

Rear Admiral Emory S. Land to be a member of the United States Maritime Commission.

Edward C. Moran, Jr., to be a member of the United States Maritime Commission.

Thomas M. Woodward to be a member of the United States Maritime Commission.

Joseph P. Kennedy to be a member of the United States Maritime Commission.

#### MISSISSIPPI RIVER COMMISSION

Col. Francis B. Wilby, Corps of Engineers, United States Army, to be a member of the Mississippi River Commission.

#### COAST GUARD

Frank A. Erickson to be a lieutenant.

#### POSTMASTERS

##### ARKANSAS

Charles M. Davis, Scott.

Don H. Stalls, Turrell.

##### CONNECTICUT

Frank E. Collins, Rockfall.

##### ILLINOIS

Joseph S. Flaherty, Harvey.

##### INDIANA

Leander Franklin Adams, Depauw.

Ruth O. Storen, Lexington.

Bessie D. Perkins, Whiteland.

##### KANSAS

Halcie M. Brundage, Brownell.

##### MARYLAND

Florence Blair, Midland.

##### MASSACHUSETTS

Martin J. Healey, Hubbardston.

##### MISSISSIPPI

Robert B. Cox, Batesville.

Scott H. Speck, Blue Springs.

Frances H. Cooke, Coffeetown.

Nathan B. Williams, Fernwood.

Nadine L. Hall, Hickory Flat.

Fannie L. Pierce, Kreole.

William F. Henson, Ripley.

Ruby M. Summers, Saucier.

##### MONTANA

Nora F. Witt, McCone City.

##### OHIO

Ivah Averill, Copley.

John Roth, Exello.

Clark W. Mathias, Northfield.

##### WISCONSIN

Ella W. Weidner, Abrams.

Velma C. Grossman, Dale.

## HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 15, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

*Create in me a clean heart, O God.*

We pray, blessed Heavenly Father, that this immortal prayer may voice the longing of every breast. Hear us, for we are poor and needy, but Thou dwellest in eternity and Thy estate is boundless and transcends every measure we have on earth. We praise Thee that Thou dost not move in the narrow sphere of time. Let us listen to that richer and greater wisdom: The statutes of the Lord are right, rejoicing the heart; the commandment of the Lord is pure, enlightening the eyes. Almighty God, Thou art ever sounding across the years the law of right and wrong; it is the secret that can harmonize and stabilize the world. May we lay hold on the greatness of God and

be clothed with the spirit of the Master. We pray that our people may be patient, and may they live not alone for outward prosperity. Oh, let cooperation prevail among us and our Republic become a song and not a strife—a poem of human brotherhood. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed joint resolutions of the House of the following titles:

On April 12, 1937:

H. J. Res. 278. Joint resolution to make funds available to carry out the provisions of existing law authorizing the purchase and distribution of products of the fishing industry.

On April 14, 1937:

H. J. Res. 226. Joint resolution to amend section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended.

#### GOLDIE SKAGGS

Mr. WARREN. Mr. Speaker, I offer a privileged resolution (H. Res. 186) from the Committee on Accounts and ask for its immediate consideration.

The Clerk read as follows:

#### House Resolution 186

*Resolved*, That there shall be paid out of the contingent fund of the House to Goldie Skaggs, widow of J. C. Skaggs, late an employee of the House, an amount equal to 6 months' compensation, and an additional amount, not to exceed \$250, to defray funeral expenses of the said J. C. Skaggs.

The resolution was agreed to.

#### PAYMENT OF SALARIES FOR DECEMBER EACH YEAR

Mr. WARREN. Mr. Speaker, I offer House Joint Resolution No. 228, authorizing the payment of salaries of the officers and employees of Congress for December on the 20th day of that month each year, and ask for its consideration.

The Clerk read as follows:

#### House Joint Resolution 228

*Resolved, etc.*, That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives, including the Capitol Police and Office of Legislative Counsel, and employees paid on vouchers under authority of resolutions, their respective salaries for the month of December on the 20th day of that month, each year, except when the 20th of the month falls on Sunday, in which case the said salaries shall be paid on the 19th of December.

Mr. SNELL. Mr. Speaker, will the gentleman tell us why it is necessary for this legislation?

Mr. WARREN. Prior to the ratification of the Norris amendment this resolution was passed by each body every year at the December session. I have looked it up and find it was passed for the past 30 years in the December sessions. It has been approved by the Clerk of the House. I may state it is one of the few resolutions that I can bring before the House that does not cost anybody anything. [Laughter and applause.]

Mr. SNELL. The gentleman is to be congratulated.

The SPEAKER. The question is on agreeing to the House joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### LAWS ENACTED BY FIRST NATIONAL ASSEMBLY OF THE PHILIPPINES

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Insular Affairs:

*To the Congress of the United States:*

As required by section 2 (a) (11) of the act of Congress approved March 24, 1934, entitled "An act to provide for the

complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes", I transmit herewith copies of laws enacted by the First National Assembly of the Philippines during its first session, from June 16, 1936, to October 10, 1936, and its special session, from October 19, 1936, to October 30, 1936.

The missing numbers will be sent you when copies are received from the Philippine Islands.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, April 15, 1937.

#### PERMISSION TO ADDRESS THE HOUSE

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania [Mr. RICH] is recognized for 15 minutes.

Mr. BOYLAN of New York. Mr. Speaker, will the gentleman yield so that I may submit a unanimous-consent request to correct the RECORD?

Mr. RICH. I yield.

#### EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Indiana.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend in the Appendix of the RECORD a statement issued by the gentleman from Ohio [Mr. BIGELOW].

The SPEAKER. Is there objection?

There was no objection.

#### ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. TABER. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the reading of the Journal and disposition of the matters on the Speaker's table and the special orders already granted, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Crockett, its Chief Clerk, announced that the Senate had concurred without amendment in a concurrent resolution of the House of the following title: "House Concurrent Resolution 10, concurrent resolution relating to the enrollment of H. R. 4985."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5232) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1938, and for other purposes."

The message also announced that the Senate further insists upon its amendments to the bill (H. R. 4064) entitled "An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1938, and for other purposes", numbered 5, 7 and 8; disagrees to House amendment to the amendment of the Senate numbered 8, asks a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GLASS, Mr. BYRNES, Mr. RUSSELL, Mr. ADAMS, and Mr. STEIWER to be the conferees on the part of the Senate.

#### THE ANTILYNCHING BILL

The SPEAKER. The gentleman from Pennsylvania [Mr. RICH] is recognized for 15 minutes.

Mr. RICH. Mr. Speaker, for a week or more I tried to get the floor for 15 minutes, and I had quite a time in secur-

ing unanimous consent. One of the objectors, after his first objection, came over and sat down beside me. I asked him, "For what reason did you object to my unanimous-consent request?" He said he was fearful that the time taken on Thursday might interfere with the consideration of the antilynching bill. After the request was granted, I stated to the gentleman that if for any reason the 15 minutes that might be granted me for Thursday would interfere with the antilynching bill I would be glad to yield my time to him.

I now yield to my colleague the gentleman from New York, Mr. GAVAGAN, for the purpose of taking up the antilynching bill, and I hope I may secure time in the future for my remarks. [Applause.]

The SPEAKER. The gentleman from Pennsylvania [Mr. RICH] yields back the balance of his time.

Mr. GAVAGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1507, with Mr. O'CONNOR of New York in the chair.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 8 minutes to the gentleman from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Mr. Chairman, this bill is pernicious. Commendable in its purpose to suppress lynching, which no one condones and against which no one is more bitterly opposed than I, yet the means by which it attempts to eradicate this evil is revolting and shockingly illegal and unconstitutional.

Lynching and mob violence are indefensible, but they are no more indefensible than this bill, which is a reckless, arrogant, and illegal attempt upon the part of the Federal Government to usurp the lawmaking and the law-enforcing powers and agencies of the State governments.

The bill does more than destroy State rights; it completely destroys State sovereignty, and makes the States, including all State and county officers, responsible, not to the State governments of which they are a part, and to which they have sworn allegiance, but responsible to the ukase of Federal officers, Federal courts, and Federal bureaucrats.

The despised force bill of reconstruction days was no more a wanton or reckless disregard of the inherent and exclusive rights of the States than this vicious measure.

In addition to placing State and county officers of State governments, from Governor to constable, under supervision and control of Federal laws and Federal courts and subject to prosecution in Federal courts for acts committed, not in their individual, but in their official capacity as State officers; the bill goes still further in penalizing counties, which are subdivisions of State governments created by the States and which cannot be sued, even in State courts, except by grant of the State, and are in this bill made responsible in civil damages recoverable in Federal courts, in suits brought by Federal district attorneys.

Furthermore, individual citizens who are not officers may be prosecuted in Federal courts, upon the whim and caprice of Federal judges, for violation of State laws.

These recitations of the contents of the bill sound so fantastic and unreasonable where we live under a dual system of government, with State and the Federal Government each being sovereign and supreme in its own sphere, that it would not seem possible that a bill like this would be introduced, much less considered by the Congress of the United States, and in order that my indictment of the bill may be shown as accurate and not exaggerated I propose to analyze the terms of the bill.

#### WHAT THE BILL DOES

Section 1 defines a "mob" or "riotous assemblage" to mean an assemblage composed of three or more persons acting in concert, without authority of law, to kill or injure any person in the custody of any peace officer.



Section 2 stipulates that if any State or governmental subdivision thereof fails, neglects, or refuses to provide and maintain protection to the life or person of any individual within its jurisdiction against a mob or riotous assemblage, whether by way of preventing or punishing the acts thereof, such State shall by reason of such failure, neglect, or refusal be deemed to have denied to such person due process of law and the equal protection of the laws of the State.

Section 3, subdivision (a), makes it a Federal offense for any officer or employee of any State or governmental subdivision thereof charged with the duty or who possesses the power or authority as such officer to protect the life or person of any individual injured or put to death by any mob or riotous assemblage who fails, neglects, or refuses to make all diligent efforts to protect such individual from being so injured or put to death, or any officer of any State or governmental subdivision thereof charged with the duty of apprehending, keeping in custody, or prosecuting any person participating in a mob or riotous assemblage who fails, neglects, or refuses to make all diligent efforts to perform his duty in apprehending, keeping in custody, or prosecuting to final judgment under the laws of the State all persons so participating shall be guilty of a felony punishable by a fine not exceeding \$5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

Subdivision (b) further stipulates that any officer of any State or governmental subdivision thereof who has in his custody or control a prisoner and who conspires or confederates with any person who is a member of a mob to injure or put such prisoner to death, or to suffer such prisoner to be taken from his custody shall also be guilty of a felony, and the punishment shall be not less than 5 years nor more than 25 years' imprisonment.

Section 4 provides that when a person is injured or put to death by a mob that the United States district court of that district shall have jurisdiction to try and punish all members of the mob or those who participated therein, provided that the Federal judge finds that the State has failed, neglected, or refused to prosecute such offenders; or that the jurors obtainable for service in the State court are so strongly opposed to such punishment that there is a probability that those guilty of the offense would not be punished in the State court, and a failure for more than 30 days after the commission of an offense by a mob to indict the persons guilty thereof, or a failure diligently to prosecute such persons, is declared sufficient to constitute prima-facie evidence of the failure, neglect, or refusal of the State officers to so act.

Section 5 provides that when a person is seriously injured or put to death by a mob or riotous assemblage, that the county in which such offense is committed shall be liable to the injured person or to his legal representatives, if he should die, in a sum of not less than \$2,000 nor more than \$10,000 as "liquidated" damages, recoverable in a civil action against such county in the United States district court of the judicial district wherein such person is put to the injury or death, the suit to be brought and prosecuted by the United States district attorney, and provides that the judgment may be collected by levy of execution upon any property of the county, or the Federal court may compel payment thereof by mandamus, and any officer of such county or other person who disobeys or fails to comply with any lawful order of the Federal court shall be liable to punishment for contempt and to any other penalty provided by law, and the amount so recovered shall be exempt from all claims by creditors of the deceased.

Section 6 provides that in the event a person is injured or put to death by a mob, and should be transported by the mob from one county to another county during the time intervening between his seizure and his being put to death, the county in which he is seized and also the county in which he is put to death shall be jointly and severally liable to pay the sums provided for in section 5.

This provision is shockingly unjust, for, even though a prisoner was never in the custody of any official of the county, if the mob should execute him in that county, although no citizen of the county participated in his execu-

tion, and possibly it occurred at night, the prisoner having been brought into the county when the citizens of that county were asleep and were unaware of it, and the county government not having participated therein, either through its officers or its citizens, the county is nevertheless liable for liquidated damages of from \$2,000 to \$10,000 merely because the prisoner was slain in that county without their knowledge, without their consent, and without their participation.

It will be observed that all portions of the bill, except section 4, relate not to individuals but to State and county officers.

It has been held, from the great decision in *McCullough v. Maryland* (4 Wheat. 316), decided in 1919, that neither State nor Federal Government can impose any duty or obligation upon each other, because the power to burden or control involves the power to destroy.

The citizens of the United States owe a dual obligation to both the State and Federal Governments, and they may be prosecuted in the Federal courts for the violation of Federal laws, or in the State courts for the violation of State laws, but never before has it been proposed that the Federal Government can take over the prosecution of State laws or State officers in Federal courts.

State officers are created by the laws of the States, elected by the citizens of the States, their duties are prescribed by the laws of the States, and they are responsible alone to the people who elected them.

The State is absolutely supreme and sovereign in all of its functions of government, and it was never contemplated by our Constitution or system of government that they should be responsible to any other sovereignty.

It would be just as legal for the State governments to pass laws making Federal officers amenable and subject to prosecution in State courts for their failure to perform their duty as Federal officers as it is for the Federal Government to undertake to punish State officers in Federal courts for failure to perform what the Federal Government claims to be a neglect in the performance of duties as State officers.

Citizens of the State are amenable to the laws of both the State and Federal Government, but officers of the respective governments, in their official capacities, are amenable only to the government which created them.

The proponents of this measure base their right solely upon the fourteenth amendment to the Federal Constitution, which is as follows:

No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This amendment was adopted shortly after the close of the Civil War, nearly 70 years ago, and it is significant that no law such as is proposed by this bill has ever been passed by Congress.

A careful reading of this amendment discloses that it is restrictive, and not affirmative. It prohibits the abridging of the rights of citizens, and denies to the States the right to deprive persons of life, liberty, or property without due process of law, but it does not transfer from State sovereignties or State courts to Federal sovereignty and Federal courts the police powers of the States.

Cooley, in his great work on constitutional limitations, and all other legal textbook writers and courts have uniformly held, since the adoption of the fourteenth amendment, that its adoption did not deprive the States of their police powers, but that such powers were retained in the States, and the Federal Government has no right to usurp the function of the police powers with reference to either the making or the enforcing of State laws.

The only effect of the fourteenth amendment was to nullify any law passed by a State which did abridge the privileges and immunities of the citizens of the United States, or that deprived any person of life, liberty, or property without due process of law, and any person who felt himself aggrieved by reason of any such law passed by a State, or in the administration of a law passed by the



State, had his remedy in appealing to the Federal courts for the protection of those rights guaranteed him under the fourteenth amendment. But no court has ever held that the fourteenth amendment gave the Federal Government the power to pass affirmative legislation to penalize States or State officers in the performance of duties involved in the police powers, and which powers were vested exclusively in the States.

At the time the fourteenth amendment was submitted, an effort was made to submit the amendment in a different form so that Congress should have power to make such laws, and those who favored giving Congress such power proposed to submit the fourteenth amendment in this language:

Congress shall have power to make all laws which shall be necessary and proper to secure to citizens of each State all privileges and immunities of the citizens of the several States, and to all persons in the several States, equal protection of the right to life, liberty, and property.

But the amendment in this form was rejected. If the fourteenth amendment had been submitted and adopted in this language, then there would be some ground for the contention that the fourteenth amendment authorized this legislation, but the fact that it was rejected and submitted in a negative form, precludes any color of authority for Congress to pass a law such as is proposed in this bill. And thus it is apparent that at the time the fourteenth amendment was submitted, that it was never intended that it should give the Congress power to pass affirmative laws, usurping the functions of the State government, as is attempted to be done in this bill.

We have Federal laws dealing with many crimes, but they are all based upon the authority conferred upon Congress by the States in the Federal Constitution with reference to interstate transactions.

Kidnaping, for instance, which is just as heinous a crime as lynching, we passed in Congress a law making it a Federal offense; but only in those cases where the victim is transported from one State to another. We have also made it a Federal offense for a criminal to escape from one State to another, or to transport stolen property from one State to another, and the White Slave Act makes it an offense to transport a female for illicit purposes from one State to another, and many kindred offenses; but this is the first time it was ever proposed that Congress should pass a law making it an offense to transport from one county to another.

The tendency has been during the past decade to give more power to the Federal Government with reference to all matters, but this measure goes far beyond any other ever proposed, even in the dark days of reconstruction, when there was bitterness and hatred and ill will prevailing between the sections.

This is a direct attempt to destroy and remove the last vestige of power of a sovereign State to make and enforce its own laws. If this bill becomes a law, then we will no longer have sovereign States, but they will be mere puppets, subservient to the Federal Government. This bill is a death blow to the rights of the States to exist as such, and the Federal Government sets itself up as the guardian and administrator of State governments, State courts, and State officers, and need will no longer exist for the maintenance of State governments.

I have not undertaken to discuss the policy, the wisdom, or the necessity of any legislation dealing with lynching. Each of the States now has ample laws upon this question, and the matter of their enforcement is left to the States.

There is a serious doubt as to the wisdom of this legislation transferring the law-enforcing powers from the State to the Federal Government, even if Congress had the power so to do. Believing, however, as I do, that Congress has no such right, I base my opposition solely upon what I conceive to be the impregnable ground that the Federal Government cannot usurp the functions of the State government. If such can be done, then the State governments are not only doomed but are already dead.

I am opposed to lynch law, but I am also opposed to lynching the Constitution and mobbing the rights of the

States. As one who still believes in the dual system of government and in abiding by the oath which I took when I became a Member of this body, to support the Constitution of the United States, I cannot support this measure, and I protest its passage.

The tragedy of the situation is that the bill will be passed, not because a majority believe it to be constitutional, or that Congress has the power to pass it, but because political expediency demands its passage.

God save the Republic from legislation enacted for such a purpose. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Chairman, for many years this legislation has been agitated before the Congress, and for an equal number of years I have entertained a very profound conviction about it. I have gone on record in opposition to it a great many times, and have written letters to my constituents in great numbers. I say this not for the purpose of indicating—far from it—that I have an overweening confidence in the infallibility of my judgment but merely to indicate that, whether my judgment be fallible or infallible, my conviction upon this question is very, very deep—so deep that I find myself impelled to separate myself for a moment from many men with whom I have co-operated politically in this Chamber upon numerous occasions.

Every now and then a group of citizens, and sometimes some public officers, or with the connivance of public officers, arise in their passions and violate the laws which they themselves have made. Sometimes the incidents of that sort are horribly distressing. Doubtless every Member of this House was shocked at the news that came to us from Mississippi a couple of days ago. Doubtless an overwhelming majority of the people of Mississippi were shocked at it. It is an incident the like of which has occurred from time to time in various parts of the country. It is an incident the like of which has occurred from time to time throughout the ages, when men, swept off their feet by passion, violate the laws they themselves make.

I have always believed that the people who make the laws—and they do it in good faith and in their sober judgment—must in the last analysis be depended upon to see to it that the laws are obeyed, and that, generally speaking, it is futile for a central power to endeavor to turn its weapons against a people in the hope that they can be compelled to behave. It is far healthier that the processes of education and enlightenment and understanding be urged upon the people of the country to the end that the progress achieved shall be permanent; and I rejoice that up to this point the people of the States and the communities have shown without any doubt whatsoever a growing understanding of the horror of lynching, and by their own attitude toward that crime have achieved a very, very marked reduction in its frequency. I should hope that that tendency would continue and that as we consider this problem we shall brush aside from our minds the hysteria and passion of the moment and have regard for the long future.

It is not my intention to discuss the constitutional problems involved in this bill, but to demonstrate why I believe it to be a futile measure that can never be enforced, that it is a snare and a delusion which will bring disillusionment to multitudes of good people. In attempting to demonstrate this I am going to ask your indulgence while I paint the picture which might very well be presented to our eyes in the event of the enactment of this bill. In order to paint that picture I shall bring it down, to use a colloquial term, "to cases." I live in the county of Livingston, in the State of New York. The county of Livingston is a creature of the State of New York. Its officers are appointed or elected in accordance with the laws of the State of New York. It is a rural county. Let us assume the very, very difficult thing to assume, that a lynching occurs in the county of Livingston and that "it appears", to use the language of this act, that the local officials have failed to protect the victim. Jurisdiction is promptly given to a Federal court, and the officials of that county, of whom it is said that it appears they have



failed to exercise due diligence in protecting the victim, may be indicted in a Federal court charged with a crime which is rated as a felony, and if convicted they may be fined up to \$5,000 and imprisoned up to 5 years. The bill does not stop with this treatment of county officers, for section 3 reads:

Any officer or employee of any State or governmental subdivision thereof who is charged with the duty or who possesses the power or authority as such officer or employee to protect the life or person of any individual injured or put to death \* \* \* who fails, neglects, or refuses to make all diligent efforts to protect such individual \* \* \* shall be guilty of a felony.

Under this section it is entirely possible that not merely the sheriff of the county or the deputy sheriffs or the prosecuting attorney may face charges, but even the Governor of New York may face the charge of having failed to exercise the power which he possesses in protecting the individual.

Mr. GAVAGAN. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I cannot yield.

Mr. GAVAGAN. I am sure if the gentleman had read the bill he would not have made that statement.

Mr. WADSWORTH. I have read the language. "Any officer or employee of any State \* \* \* who possesses the power", and the Governor of a State does possess the power, in that he may call out the National Guard to protect the life of an individual threatened by a mob. If he fails to do so, or to exercise due diligence, under this statute he may be faced with the charge of being a felon.

I am not stretching this matter beyond the language of the bill, but, however that may be, we find legislation proposed to the effect that the Federal Government may come into a county of a State and on the theory that the officials of the county have failed to enforce State law, imprison the officials. I think this cannot be doubted as an accurate analysis of the bill.

The thing does not stop there. The county in which the crime has been committed shall be held liable to pay liquidated damages to the relatives of the victim in sums varying from \$2,000 to \$10,000. Under the terms of this bill, the county will be called upon to pay such sum as fixed by a Federal judge.

How is this money to be collected? If the Federal authorities go to the county treasurer and demand of him the sum of \$2,000 or \$10,000, they will be met with the assertion, which cannot be gainsaid, that the county treasurer has no right, under the laws of the State of New York, to pay over the money. He may pay out money from the county treasury only as the result of appropriations made by the board of supervisors, or in accordance with some special State act. It is assumed the Federal authorities will then go to the board of supervisors and demand of the board an appropriation of \$10,000 out of the county treasury to pay the damages. Of course, they will there be met with the assertion, the correctness of which cannot be denied, that the Board of Supervisors of the County of Livingston cannot, under New York State law, appropriate any money out of the county treasury except for purposes made legitimate by New York State law. It is impossible for them to do it under the law. Whereupon, under this bill, the county treasurer and the members of the board of supervisors may be held in contempt of a Federal court. Think of it! Because county officials and the board of supervisors insist upon obeying the laws under which they perform their functions they shall be held in contempt of a Federal court and subject to fine and imprisonment for the contempt. This means, Mr. Chairman, that the Federal Government is going to employ its power to destroy the government of the county. It can tie up the county's governmental machinery with a contempt order, and still the money will not be collected.

The bill then goes on to state the Federal Government, acting through the Federal courts, may levy upon the property of the county in order to get the money. What is the property of the county? There is the courthouse, there is the jail, there is the poorhouse, and perhaps there are one or two other structures owned by the county. The county also owns road-making machinery, which is movable, and I suppose could be seized. The county may have a bank account, which might be seized by Federal officers. The county may own a

coal pile, with which it heats the courthouse and the jail. This might be seized. Under this bill the property of the county is to be levied upon by the Federal Government.

Am I overpainting the picture when I say such a thing is fantastic, and can never be enforced? This whole process will die aborning. The instant the Federal Government begins to apply the provisions of this bill, the whole thing will stop. It is unenforceable. It cannot stand the light of day in a single court, for if it be true that the Federal Government can step in and seize the property of a county, imprison its officers, and destroy its government, then, indeed, there is no such thing as a Federal Union of States under the Constitution of the United States. [Applause.]

The thing about which I protest in this connection is not the motive of the authors or the introducers of the bill. I protest against its utter futility. Its authors and its supporters are leading multitudes of people to believe this will be an effective police measure over the people of the counties. My solemn conviction is that it will fall down before it starts. I hate to see the Congress or any other legislative body pass legislation in the heat of the moment, whatever the motives, which will end up in dissolutionment. We do infinite harm when we legislate in that fashion.

I intimated at the beginning of my remarks my belief that slowly but surely this terrible problem involving lynching is solving itself. I know we are disconcerted at times by news which reaches us, but we ought to be tremendously grateful that such incidents are becoming less and less frequent. I entertain the philosophy, which may seem old-fashioned, that a self-governing people cannot be driven into moral conduct with a bayonet.

I have far more faith in the efficacy of an appeal to the conscience of people. This has been going on in recent years with respect to lynching. More and more communities have learned to abhor it. Public sentiment, even in those parts of the country where it was most frequent, is now piled up against it. Slowly, but surely, it is disappearing. We shall never attain, I suppose, 100 percent of perfection in this government of ours. No democracy has ever attained it, but at this moment we are the best example of democracy in the world, and this is due, in my judgment, almost entirely to the fact that under our form of government we trust the people of the localities to work out their salvation [applause]; that we have not encouraged this turning to Washington and asking Washington to wield a club over the people of the communities. Our march toward law and order has been logical and steady because the people want it so, not because they are regimented into it.

I hope I have an understanding of the exceedingly difficult problems that confront some portions of this country. I do not join in bitter criticism of great regions or great groups of our people. I am distressed as much as the next man, and perhaps more than some people, at the breakdowns that occasionally occur.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield the gentleman 5 minutes more.

Mr. WADSWORTH. However, I remind you they are sporadic, they are local, and they are diminishing. The disease from which they have been springing is being cured. When it is cured, or brought to a near approach to a complete cure, these sporadic outbreaks will have ceased.

I trust the people who live in these communities, faced with this very difficult problem, and I hope the Congress, neither for political motives nor through a mistaken idea of what kind of country we live in or what kind of government we live under, will not pass legislation repudiating that philosophy which has underlaid to this day the development of American democracy. [Applause.]

Mr. GAVAGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky [Mr. CREAL].

Mr. CREAL. Mr. Chairman, the gentleman who just preceded me seemed to think it would be some sort of reversal of court procedure if a judgment rendered at the hands of 12 jurors provided some means for its collection. I would like to ask him this question: If one of you



gentleman should visit the city of St. Louis and should fall into a sewer, you would have to go into the Federal courts to get damages, would you not? The same Federal court would provide you with the same means of collection from the city of St. Louis. Is there anything strange or unusual about this? If any man, at any time, at any place, is entitled to a judgment, after a hearing of the evidence, he is entitled to a means of collecting his judgment. I take no stock in this argument whatever, although it seemed to meet with the applause of some gentlemen.

One other point the gentleman stressed is that because an enlightened conscience and an educated people had gradually deterred the commission of this crime, you need no law. I will ask you what law there is on the statute books, State, Federal, or what not, of which the same thing could not be said. Has not all crime been decreased because of an enlightened conscience and public opinion? Which of the two renders the most good in the deterring of crime, conscience, or the governing power? Why, conscience does most of it. I take no stock in that argument.

The gentleman also laments the fact that the law would subject either one of two counties that may be involved, but the gentleman forgot to tell you that it did not provide for proceedings against both counties or for two remedies, but it provides that one judgment is sufficient. If I were attorney for such a party, I would pitch the suit upon the county where I had the best case. I can conceive of a case where an officer of one county would act in collusion with another by saying, "Go over yonder and get that man and bring him over here and hang him under my protection." In such a case I would pitch my suit in the county where that occurred, but in a case where they had simply stepped over the border line of another county in fleeing from somebody else, I would not subject them to such suit. I also may say here that in a case of a spontaneous outburst of mental anger, when a man has committed some crime, but is never in custody, this law does not apply; and if it did or if it were passed with such a provision, it would never be held constitutional.

There is abundant precedent, in my judgment, for considering this measure constitutional. I used to entertain opinions to the contrary. I have changed them in the past few years. The principal is responsible for the act of his agent. Who is the agent—who is the State—any one person? Put your finger on the State. Every State officer is the State, not the Governor alone, because a constable is the State as much as is the Governor.

Mr. GAVAGAN. Mr. Chairman, will the gentleman yield?

Mr. CREAL. This man must be in the custody of an officer; there must be collusion or failure to perform his duty. In Kentucky we used to have lots of lynchings, but we have not had one in 7 years. We passed a law providing that the Governor could remove the sheriff or a jailer if he failed to exercise due diligence or put up a sham show of resistance.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. CREAL. Yes.

Mr. MAY. That is an instance in our own State where the State law itself has effected the objective sought to be accomplished by this law.

Mr. CREAL. Absolutely.

Mr. MAY. Then why the necessity of this law?

Mr. CREAL. And a Federal law will reach the question. Why do not the States pass a similar law? If they did, perhaps this agitation would not be here. You admit that you are going into the Federal courts and are going to question the acts of Federal officials. Great God, you go into a Federal court now to determine how much you shall pay into a telephone booth or how many pennies you drop into a streetcar slot, under a law passed as a city ordinance. You can go into a Federal court for anything that affects a few dollars and cents, to have due process of law, but they want to deny the Federal court the right to go in to determine the question of whether a man's life was taken legally or illegally.

This is not a question of white and black. Oklahoma has lynched 64 white men and 16 Negroes since 1890. There

have been decades where the white men far exceeded the number of Negroes that were lynched.

As a prosecutor for a long time I always felt that if a mob should beat me to a case that such would be a reflection on my ability to prosecute and a reflection on the integrity of all officers of the court and the men who might be called as jurors. The whole public has an interest in all cases of this nature and the whole public is entitled to hear and know the facts instead of dealing with hearsay evidence that moves a mob.

I have in my time seen and heard of too many hairbreadth escapes from being a mob victim only to be vindicated and acquitted later to the complete satisfaction of all the public.

Mob violence is rapidly decreasing in the South, and, in my judgment, should there be an increase elsewhere, it will develop in the North and East from violent industrial disturbances.

This law cannot and does not affect a situation where a man was mobbed before he was ever in custody of the officers—no official or county can be proceeded against under this law, for that would be beyond their control.

Since Kentucky officers under Kentucky law might be removed from office by the Governor for failure to use due diligence in protecting a prisoner, I want these officers to have all the protection they can get by deterring people from taking prisoners from them and thus jeopardizing their official positions.

In places where a crime is bad and guilt is positive there is still less use for mobs in the South than anywhere, for that prisoner, in a southern court, before a southern jury, if guilty, would have no more chance to escape punishment than a snowball in hades. Then, if just punishment does come, the only choice is whether it should be by legal methods or illegal ways. As many innocent persons have narrowly escaped mobs it is sufficient warranty to assume that many innocent persons have not escaped mobs.

Statistics show that of all lynchings in 48 years past that only 8 percent were ever accused of rape. They have mobbed them when they have violated no law of the land and where they were not accused of violation of any law.

There may have been a time in pioneer life when courts were few and far away that there was more justification for lynching than now. But with power to call hastily a special term of court for a quick trial there is not one excuse, defense, or reason that can be given to justify.

Why, your boy or mine might unknowingly fall into company with an escaping criminal and be overtaken by a mob, who would hang them both because they had heard that there were two men implicated.

Mobs have lost reason and move swiftly and listen to no explanations. America is the only country in the world where mob custom has tried to become a part of the common law.

It is a bad, dangerous, useless, vicious custom. The people have more faith in their officers, juries, and open trials doing justice than they do in a mob acting on hearsay evidence, often incapable of analyzing evidence, and in no humor to listen to reason.

Where any State officer willingly permits a prisoner to be taken from him and lynched he should be held accountable. That is the kind of cases this bill deals with, and none other. History shows the State does not act, and in a way almost impossible to act, because such procedure would have to be where the crime was committed, and too many connecting influences block action.

Knowing that such will result in such cases is an inducement to commit this violation. But if they were to be taken to a Federal court before a jury not of their county, and know it, they would think twice before action.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. GAVAGAN. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. CURLEY].

Mr. CURLEY. I am sorry that I have to disagree with the sentiments expressed by my distinguished colleague from New York [Mr. WADSWORTH]. I have always entertained a



very high regard for him in the long period of years that it has been my proud privilege to know him. We differed politically in the past, and we differ now. Usually he is nothing, if not accurate; but he is not accurate now on this proposed legislation. I requested the gentleman twice this afternoon to yield to a question I desired to ask of him on the very point about which he was speaking. I now call his attention to section 3 of the proposed Gavagan bill. It says there in plain language that any layman can understand—and for the first time in this debate a layman is having his say, for I am not a lawyer, thank Heaven. We had enough legalistic quicksand the day before yesterday, and the debate on long-and-short-haul legislation yesterday, if it never did anything, it did take us out of that quicksand, so that we may be here today to resume this discussion of the anti-lynching bill.

Section 3 of the proposed bill specifically states:

Sec. 3. (a) Any officer or employee of any State or governmental subdivision thereof who is charged with the duty or who possesses the power or authority as such officer or employee to protect the life or person of any individual injured or put to death by any mob or riotous assemblage or any officer or employee of any State or governmental subdivision thereof having any such individual in his custody, who fails, neglects, or refuses to make all diligent efforts to protect such individual from being so injured or being put to death, or any officer or employee of any State or governmental subdivision thereof charged with the duty of apprehending, keeping in custody, or prosecuting any person participating in such mob or riotous assemblage who fails, neglects, or refuses to make all diligent efforts to perform his duty in apprehending, keeping in custody, or prosecuting to final judgment under the laws of such State all persons so participating, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

Get that point in this law.

I wish I had the power of the lungs of my distinguished friend from Texas [Mr. McFARLANE], so that I could make my voice resound against the walls of Congress and penetrate to the people of this country.

Permit me to state in connection with the purpose of this legislation that I am not "district" minded, nor "State" minded, nor "section" minded, but I am nationally minded, having only the best interests of all the people at heart of our great Nation under the protection of the organic law of this country—the Constitution of the United States.

#### NOT SECTIONAL

I regret exceedingly to note the injection of sectional views in the debate on this bill. It has no place in this discussion at all. I offer as a potential argument against this sectional viewpoint the fact that a distinguished American citizen of this great Nation, a former Member of the United States Senate, and now a Member of the House of Representatives, spoke against this bill in the Well of the House today—the Honorable JAMES W. WADSWORTH. Now, Mr. WADSWORTH comes from the great Commonwealth of New York, the Empire State of the Union, and that of itself should signify to those raising such futile arguments of the nonsectional viewpoints of this bill. Then again, from the Commonwealth of Kentucky we find at least two distinguished Representatives in this House in favor of anti-lynching legislation.

Then we go to the State of California, the extreme western section of our country, and we find the same sentiment of the nonsectional type on the merit of this legislation.

I listened very, very attentively to the 50-minute address delivered by our distinguished chairman of the Judiciary Committee today on this proposition. I was very much impressed with the deep sincerity indicated, not alone in his remarks, but in his proven illustration of the several points he raised in his discussion against this proposed anti-lynching bill.

#### CRIME OF LYNCHING

It is pretty difficult to disagree with a gentleman of his keen knowledge of living conditions and the philosophy of life, and I read and agreed with this marvelous expression of opinion against the crime of lynching to the Governor of Mississippi in the newspapers of yesterday.

I have no quarrel with him personally in this matter; and I speak, too, with all due sincerity on the question when I mention the fact that I rose in a polite parliamentary manner and requested the gentleman to yield for a question, which he courteously complied with. Inasmuch as he had stated the States of the South were able to handle their own situation, or words to that effect, I propounded this question to him:

Is the gentleman familiar with the result of the national poll of the sentiment of the people taken during the political campaign last fall by the Institute of Public Opinion?

I could not quite understand what his reply to my question indicated except an evasion. Then I asked:

Will the gentleman yield for another question?

And he courteously granted my request for the second time.

#### SOUTH FAVORS LEGISLATION, POLL SHOWS

I then asked him:

Does the gentleman know the result of the national poll taken recently by the Institute of Public Opinion on the question of anti-lynching legislation which indicated that 65 percent of the poll in the South were in favor of anti-lynching?

To which he replied, "Yes."

In reply to my request that he yield for the third time, he said: "Oh, no, no, no", or words to that effect.

I then pointed out to the illustrious chairman of the powerful and important Committee on the Judiciary [Mr. SUMNERS of Texas] that only within the last few months, in fact last January, the report of an exhaustive poll was printed in a great many of the leading newspapers of the country. The question put to the people of the country by the American Institute of Public Opinion was: "Should Congress enact a law which would make lynching a Federal crime?" The results of this poll show the vote to be as follows:

	Yes	No
	Percent	Percent
Nation.....	70	30
New England.....	75	25
Middle Atlantic.....	72	28
East Central.....	77	23
West Central.....	70	30
South.....	65	35
Mountain.....	65	35
Pacific Coast.....	59	41
Groups:		
Women.....	75	25
Young persons.....	77	23
Reliefers.....	72	28
Farmers.....	69	31
Small towns.....	75	25
Urban.....	70	30

It is noted from these figures, which are no doubt very accurate, that opposition to this legislation is not sectional. The Southern States voted 65 percent in favor of it, against only 35 percent in opposition.

These figures contravert the contentions of the opponents of this anti-lynching bill.

#### CRIME NEVER PUNISHED

To my mind the saddest tragedy in mankind is the beautiful legal theories that have been slain by ugly facts brought out in this debate. Now, a fact is just like a birthmark. You may cover it up, but it can never be wiped out. And the facts as published from the record indicate, to wit, 5,105 men and women were the victims of the atrocious crime of lynching. Of this number, 99 $\frac{1}{2}$  percent of the aforesaid lynchings were never punished. There were only eight-tenths of 1 percent that were only slightly punished.

Several opponents of this humane bill submitted certain statistics indicating the gradual decrease in the number of these vicious crimes. While the statements are laudatory they do not indicate a true picture of the situation. I do not believe you can measure human values by the yardstick of a mathematical formula in this discussion. It simply does not cancel.

If we glance down through the corridor of the years to 1882, 54 years ago, and visualize the appalling panorama of

brutal lynchings over these years, an unbiased mind would not alone be shocked but mortified and would be compelled by the force of concrete evidence of the merit of the proposed antilynching bill.

May I add in conclusion to the foregoing evidence in this discussion the following strengthening information? When the Seventy-fourth Congress adjourned in 1936, after side-tracking another antilynching bill, known as the Costigan-Wagner Federal antilynching bill, the opposition staged an 8-day filibuster against it notwithstanding the fact that the legislation had a total of 42,000,000 people pledged in its favor.

How, then, can any Member here say that this is not a popular bill? It is my belief that this bill should be adopted.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I now yield to the gentleman from Tennessee [Mr. MITCHELL].

Mr. MITCHELL of Tennessee. Mr. Chairman, the bill under consideration is known as the Gavagan antilynching bill. It seeks to place liability upon the State or political subdivision in which a lynching takes place. It also makes every peace officer liable who is charged with and possesses the power or authority as such officer to protect the life or person of the individual put to death by any mob or riotous assemblage. The district court in which the offense is committed is given jurisdiction to try such cases. The county in which the individual is injured or put to death by a mob or as a result of a riot is made liable in damages to the legal representatives of such person in the sum of not less than two nor more than ten thousand dollars damages. And the Federal district courts are given the power to enforce the payment thereof by levying execution upon any property of the county and may compel payment by mandamus or other process. If the person so injured or put to death is transported from one county to another between his seizure and putting to death, the county in which he is seized and the county in which he is put to death are jointly and severally liable.

This extraordinary authority is claimed by the advocates of the bill under the provisions of the fourteenth amendment to the Constitution on the ground that the State has denied to the person injured or lynched the equal protection of the law, and that his life or liberty was taken without due process of law as guaranteed every citizen by said amendment.

The tenth amendment to the Constitution provides:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

In this amendment we have set forth the doctrine of States' rights, in which so many of us firmly believe. There is no delegation of power in Congress to control the police power of the respective States so long as the States have an organized government performing its function under the Constitution. Any effort by Congress to pass legislation as is proposed in the present antilynching bill is itself lawless and without justification. It is a greater wrong than the one it seeks to correct. It is clearly unconstitutional. We, as Members of the House, have subscribed to an oath to uphold and defend this great charter of liberty. We should not, therefore, violate it. Any effort made to pass legislation of this kind and force it upon the States in an invasion of States' rights. It is an effort to interfere with the police power of the States.

The proposed legislation is in violation of article 4, section 4, of the Constitution, which provides:

The United States shall guarantee to every State in this Union, a republican form of Government and shall protect each of them against invasion, and on application of the legislature, or of the Executive [when the legislature cannot be convened] against domestic violence.

Certainly lynching comes under the head of domestic violence and, according to the Constitution above quoted Federal action should only be taken when the State legislature or Governor makes application for assistance. The

Congress of the United States has no jurisdiction until this is done. Mob violence is wholly a State issue. It is the prerogative of the respective States to deal with lynching committed within their boundaries. It is not within the jurisdiction of the Federal Government to dictate to, or interfere with, the local police regulations of the States. Ample statutes have been passed by each State to correct this evil. Congress should not, and does not, have this right. The framers of the Constitution wisely provided against it. No one who opposes this bill seeks to justify lynching or mob violence. It is lawless. It is indefensible.

The peace officers of my State—Tennessee—are diligent in the enforcement of the law against lynching and mob violence, and the taxpayers in many instances have suffered greatly because of the effort of officers of the law to protect their prisoners. In one instance, 2 years ago, in one of the finest sections of the South, the courthouse was burned, largely because the Governor had called the State militia to the scene to protect a Negro from violence. It also resulted in the death of some three or four citizens before order was restored, but the prisoner was protected and regularly tried by the court and jury. I refer to this unfortunate incident only to show how zealous the officers of the law and the people are to administer their own laws in Tennessee. It has been many, many years since a lynching occurred in my State. I know of no reason for the passage of this bill at this time. It will not accomplish the results intended. The fact that the Congress assumes to pass this bill and by so doing, invade the province of State sovereignty and State rights is within itself more lawless than the offense which it seeks to correct. There is no justification for the passage of this bill. It accomplishes nothing. It arouses sectional hatred. It is intended to rebuke the South, the Southern States. And, as a matter of fact, there is today less violations of the law in the South than any other part of our country.

We had better be engaged in passing legislation to outlaw sit-down strikes in America than passing this unconstitutional measure. I am a friend always to the workingman and to labor, and have supported all reasonable measures for their protection since I have been a Member of the House, but I cannot, and do not, defend their so-called right to take possession of the property of their employer and hold possession unlawfully while they dictate a wage scale. It is a well-known fact in law that force or duress vitiates and makes void every contract so entered into. The parties on each side of the agreement must have the right, and do have the right under the law, to exercise their own free will and judgment. This does not obtain when force or undue influence is applied to either side of the agreement. I am anxious to help labor and have supported legislation for collective bargaining, but cannot, and do not, approve lawlessness on the part of either the employer or the employee. Neither do I have any excuse to offer or justification to make, however well-meaning they may be, for any mob or assemblage that undertakes to take the law into their own hands and assume the right to administer it. This is contrary to orderly government, contrary to law, and cannot be justified. Neither can the Congress justify in law their action when and if they pass the present antilynching bill. It is violative of the Constitution and a clear invasion of the rights of the sovereignty of the States.

Each Member of the House has taken an oath to uphold and support the Constitution, and no legislation should be passed which seeks to destroy or undermine the principles of that great document of human freedom. We should be true to ourselves, true to our oath of office, true to our country, and thus reflect credit upon the people who honor us by their support and whose representatives and agents we are. This can best be done by defeating the bill before us, and again asserting in no uncertain terms and recognizing the sacred right of each State to administer its own internal affairs. Let each State enforce its own police regulations. They alone are sovereign and clothed with the right to so do. Let us vindicate by our action in voting against this bill the principle of local self-government and the right of a



free people to administer their own laws within the States. This is the basic principle upon which the Democratic Party was founded and has lived to serve mankind throughout the years. It is loved and cherished by all free men. It is the principle for which brave and patriotic soldiers have fought, bled, and died on the field of battle to sustain. It is the principle for which great and good men have stood from the beginning of the history of our Nation to the present. Let us revere the landmarks of the fathers. Let us hand down to future generations this same inalienable right, loved and cherished by all Americans from Jefferson to Roosevelt. Let America continue to bear aloft the torch of freedom and to lead the nations of the earth in the ways of peace, happiness, and freedom. This, in my judgment, is the measure of our responsibility and the debt we owe future generations.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 8 minutes to the gentleman from North Carolina [Mr. WEAVER].

Mr. WEAVER. Mr. Chairman, I approach a discussion of this question with a feeling of sadness. I do not and I shall not undertake to discuss it with any feeling of animosity toward my northern brethren, and certainly with none toward the black people of the South. In the beginning of my remarks I wish to resent just one statement that was made by the gentleman from Ohio—that these lynchings are due entirely to our dislike of the Negro. I say here and now that there is no good Negro in the South, wherever he may be, who will not have the love and the protection of his white friends. Let me tell you something—I wish I could talk to you about it: The only funeral oration I ever delivered in my life was over a colored man. He had lived with my father for more than a half a century. After age came upon him, he came to live with me. I did not ask him to do anything. I clothed him, I fed him, and, in fact, I belonged to him; he did not belong to me. Whatever he said I did without argument, without question, because I loved him, because he was honest and courageous; and when the sun set for him behind the western sky there was not a member of my family who did not give him up with the same feeling that we would feel for one of our own. And now I ask some of our northern folks, did you ever have a black mammy, any of you? These boys from the South know what it means. I just say this to you: If you ever had one to raise you and chide you and take charge of you and direct you, one to whom you could go when somebody stepped on your little toes and hurt your heart, so that she might put her loving black arms around you, I say to you, if you never had, then you have never been more than half raised. [Laughter and applause.]

Like the old black mammy that Gov. Bob Taylor used to tell about, who was in charge of some southern child. He told of one little fellow who had broken into the pantry and had gotten into the jam and had it smeared all over his clothes; and when she found him, in a very severe tone of voice, she upbraided him for breaking into Mis' Sallie's jam: "Here you are, you little rascal, all covered with jam, breakin' into that pantry. What in the world am I ever goin' to do with you?" And then as the tears came into his eyes and he came up to her, she put her arms around him and said, "Come here to me, you little rascal. Breakin' into that jam. The first thing anybody knows when you get a little bigger you will be breakin' into Congress."

I know them. Now, Mr. Chairman, I could tell you of others who have been as dear to me. I know. To quote from Whittier's *Snowbound*:

And when the sunset gates unbar,  
Shall I not see thee waiting stand,  
And, white against the evening star,  
The welcome of thy beckoning hand?

And they will not all be white arms either. I shall be disappointed if there is not a pair of black arms and hands that will be there waiting, waiting for me. [Applause.]

So do not tell me I have come here in animosity to the Negro. It is our problem. I would not say a word to mar the magnificent speech that was made by the gentleman from New York [Mr. WADSWORTH]. His analysis of this bill

has been wonderful. Do not inflict it upon us. We will take care of it in my State. Every other State in the South will take care of it. We have already done it. In my own State, in my own town, almost, within the past year were two cases that might have provoked violence, one since this bill was reported, yet our courageous sheriffs went out and took charge of the prisoners, kept them in safety. One of them was tried and the other one will be tried in an orderly way. We have real men in the South who are sheriffs and who represent the law; men who will really lay down their lives.

Just week before last—I will not go into the details of it—one was taken from a small town in my own district, when ordinarily there would have been feeling and animosity; and there was. But he was kept safely.

Let us alone. We will handle this problem. When you read this bill, as the gentleman from New York has read it to you, that an officer of the law in the discharge of his duty trying to protect a prisoner, if a mob shall take him away from him, he shall become a felon. I know you gentlemen do not want to write that on the law books.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. WEAVER. I want to place in the *RECORD* what we have done in North Carolina. I have before me the statutes. They are not recent. They were passed in 1893 and they provide rigid laws against lynching. Under those laws we have made a most magnificent record.

It has been charged that mobs go unwhipped of justice and that there are no convictions. I want to expose the fallacy of such statements as far as my State is concerned.

My colleague the gentleman from North Carolina [Mr. CLARK] has told you of the action of the late Governor Bickett, of my State, in repelling a mob at our State capitol.

In 1925, in the district of my colleague the gentleman from North Carolina [Mr. WARREN], a fiendish outrage was committed. A young white man from New Jersey had been committed to jail charged with criminal assault on a young white woman. Pending the preliminary examination, a mob took him out of jail, carried him out in the country, and horribly mutilated him, and there left him to die. He was a stranger in my State, without friends, without money, and without influence. The State was shocked and stunned and the good name of a great county had been stained.

The forces of the law acted with incredible swiftness under the leadership of the State solicitor, Hon. Donnell Gilliam, a young man of high character and ability. At Raleigh there was a governor of force and stamina, the later Gov. Angus MacLean, who was chairman of the War Finance Corporation during the World War. He immediately ordered a special term of court. Then came confessions, but the leaders of the mob decided to fight it out. At the trial the "yellow press" of the Nation was well represented. They had come down to see a judicial whitewashing.

The men charged with the crime were well known and had large family connections. The majority of them were young men of previous good character who in the heat of passion had surrendered to the mob spirit. The citizenship of the county insisted that the trial should be held there, as they demanded the right to wipe out the blot and stain, and they did it. [Applause.]

The defendants were represented by a brilliant coterie of counsel, including the president of the North Carolina Bar Association, the Democratic State chairman, and many others. Appearing with the solicitor in the prosecution were my colleague the gentleman from North Carolina [Mr. WARREN], who had just been elected to Congress, and Hon. Angus D. MacLean, who recently resigned as Assistant Solicitor General of the United States.

There were 32 members of the mob, and all 32 were convicted. Sentences were imposed ranging from heavy fines to imprisonment from 1 to 30 years at hard labor.

It was the first instance in America where every single member of a mob was brought to trial and every single member of that mob was convicted. The young man was then tried for his life for criminal assault and was acquitted.



It was one of the most remarkable exhibitions of law enforcement that has even taken place in any court anywhere.

In October of the year 1925 three white women in quick succession were criminally attacked by Negroes. The mob spirit was rampant. The jail was stormed, but the prisoners were protected. The same Governor called out the National Guard and ordered a special term to try both the rapists and the mob. One of the defendants was convicted and electrocuted, while the others in an atmosphere of intense hostility were acquitted by a jury of white men and were safely escorted to their homes under the order of the court. Then the mob was tried for storming the jail, and 20 of them were convicted and given heavy prison sentences.

Sometime after that in the district of my colleague, Mr. BARDEN, a brave superior court judge prevented a lynching during the trial of a case.

These, Mr. Chairman, are just some of the answers that North Carolina hurls at the measure of the gentleman from New York [Mr. GAVAGAN], whose bill is an insult and challenge to the sovereignty of every State in the Union.

[Here the gavel fell.]

Mr. WEAVER. I ask you, with this record, with the South trying to meet her problem, to let us alone. [Applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. GUYER. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, let me say to the gentleman from North Carolina [Mr. WEAVER] that next to the State of Virginia, North Carolina has the best record in preventing lynching of any of the Southern States.

The gruesome lynching at Duck Hill, Miss., of two colored men taken out of the hands of the sheriff in broad daylight proves the immediate need for a Federal antilynching law.

The victims had just pleaded not guilty when seized by a cowardly and brutal mob of lawless ruffians, armed to the teeth, who tortured and burned the two young Negroes to death by use of a blowtorch. It amounted to a rape of justice, liberty, civil rights, equal rights, human rights, and human lives and of the Constitution itself. Every member of the mob, amounting to 100, who, in defiance of the law and the courts, took part in this barbaric abomination should be apprehended, tried, and convicted to long terms in prison.

This is a typical lynching case, and the actual test of the ability of certain Southern States to protect colored citizens from violence is whether the members of the mob are arrested and convicted. If they are, then there is no real need for Federal antilynching legislation, but if not then even the southern Democrats should vote for the bill.

But, judging from past experience, I doubt if the members of this atrocious, bloodthirsty mob will be convicted and imprisoned; only time will tell.

I am unwilling, however, to believe that intelligent, law-abiding southern people have any sympathy with rule by mob violence, torture, or with such bestial acts, and that they must see the need for Federal legislation.

The CHAIRMAN. The time of the gentleman from New York [Mr. FISH] has expired.

Mr. GUYER. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. TAYLOR].

Mr. TAYLOR of Tennessee. Mr. Chairman, I am glad to have the opportunity and the privilege to again register my voice in vehement condemnation of the ghastly practice of lynching, and my vote in support of legislation designed to further outlaw this relic of barbarism. An effort has been made to minimize the importance and necessity of this legislation, but I remind you that since this bill was taken up for consideration, only on day before yesterday, in the State of Mississippi two young colored men were mobbed and lynched in a manner which has shocked the conscience of the entire Nation. These two young colored men, whose guilt had not been definitely established, were seized by a mob and put to death by the application of acetylene torches

to their naked bodies. In all of the annals of the horrors of the Dark Ages no more brutal, barbarous, cowardly, and inhuman crime is recorded. The history of the Spanish Inquisition, infamous for its acts of sadistic cruelty, does not afford a parallel. And yet scores of other cases in recent years of equal or greater repugnance and atrocity could be recited.

Mr. Chairman, I ask unanimous consent to extend my remarks by including remarks which I made on the floor of the House on January 10, 1922, when the Dyer antilynching bill was being considered.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The remarks are as follows:

Mr. TAYLOR of Tennessee. Mr. Chairman and gentlemen of the House, I am in thorough sympathy with the spirit of the legislation proposed by the measure under consideration. Relief of the nature provided by this bill is absolutely necessary if the nefarious practice of lynching is to be stamped out in this country. It may be that some of the provisions of this measure are subject to criticism and should be amended, but let me remind you, gentlemen of the Congress, that the lynching disease is so deep-rooted and malignant that it will not yield to ordinary treatment; it requires the scalpel of the surgeon; colorless and toothless legislation will not suffice.

I take it that there is not a man in this Chamber that has the inclination much less the hardihood to attempt to defend, extenuate, or justify the practice of lynching. It is universally condemned, whether committed in the North or in the South. Whether practiced in New England or west of the Mississippi, we all admit that it is a wicked, damnable, diabolical crime, disgraceful of any community in which it may be perpetrated. The mob is a relic of the Dark Ages and is a product of barbarism. It has no eyes nor ears nor conscience. It is blind to justice and deaf to reason and is void of pity or compassion. Vengeance is its sole shibboleth, and in its bloody wake is found the charred and mangled bodies of its unfortunate victims, guilty and innocent alike. Fired by the mob spirit men become veritable maniacs, their "reason flees to brutish beasts", their sense of justice departs, and often crimes are committed too horrible for description or contemplation.

An incident occurred in my own district recently which shows the grim unreasonableness, the absolute recklessness, the utter disregard for justice of the mob, and demonstrates the imperative need for some sort of legislation of this character. A white woman had been assaulted. A poor, illiterate, unfortunate Negro tramp who happened to be in the locality where the dastardly crime was committed was arrested on suspicion and cast in prison. A mob immediately assembled. A cry went up for vengeance. A victim was demanded. Fired by the characteristic spirit of the mob, the jail was stormed, and in the excitement and stress of the hour a score or more of persons, many of whom were innocent bystanders—men, women, and children—were shot, trampled upon, or otherwise injured. The officers of the law successfully resisted and repelled the attack and saved the life of the poor, unfortunate Negro. The excitement of the affair soon subsided, and in less than 10 days the innocence of the Negro was established beyond the peradventure of a doubt, and he was discharged from prison and went his way without further molestation.

We all admit that every means should be provided to protect and safeguard the womanhood of the land. We all agree that the crime of rape is the most hideous and heinous to be found in the criminal catalog. No death could be invented too cruel for the rape fiend. By his foul deed he forfeits every right to any sort of respectable or honorable consideration. Yet in the interest of law and order, yea, in the interest of our boasted civilization, his punishment must be inflicted according to the forms of law, after he has been duly, legally, and constitutionally convicted. The demands of justice may be delayed for a few days, and peradventure some guilty fiend may escape punishment; but, Mr. Chairman and gentlemen, it were far better that a guilty man escape punishment occasionally than that an innocent man undergo the terrible tortures and ignominy of death at the hands of a cruel and relentless mob. [Applause.] Mr. Chairman, does any Member believe that the fear of the mob has ever deterred anyone from the commission of this unspeakable crime? Certainly not. The infernal brute who attacks women is so steeped in degradation and is so void of conscience and soul that neither the noose nor the torch have any terrors for him. I am not influenced in my attitude on this bill out of any consideration whatever for the rapist. I am opposed to the mob because it moves without reason or responsibility, and thus menaces the innocent as well as the guilty. I am opposed to lynching as a matter of principle. I am opposed to it because it is degrading and demoralizing in its very nature; because it is in defiance of law and breeds contempt and disrespect for our governmental institutions; and is, therefore, a species of anarchy.

The committee report accompanying and supporting this bill recites that from 1889 to 1921, 3,377 persons met their death at the hands of a mob in this country. Of the total number thus barbarously murdered, 2,658 were Negroes, 617 were whites, and 2 were Mexicans; and of this number 51 were women and 10 were



ex-service men. Thus it appears that the mob neither respects the color nor the sex of its victim. If it were absolutely known that every person lynched was guilty of the crime imputed to him the enormity of the situation would be somewhat reduced, but the verdict of a mob is inexorable and is not subject to appeal or review, and therefore the guilty and the innocent suffer alike.

It is a common impression, Mr. Chairman and gentlemen, that all Negroes lynched have been charged with a crime against women, but the report of the committee exposes this fallacy. Less than one-third of the persons lynched, both white and black, have been charged with this unspeakable crime.

While I realize that numerous lynchings have occurred in this country which were beyond the power of the civil authorities to prevent, nevertheless, in my candid opinion, a large percent of these outrages would not have happened had the officers charged with the upholding and enforcement of the law performed their full duty.

Mr. SUMNERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Tennessee. I beg the gentleman's pardon. I cannot. I have not sufficient time.

The fourteenth amendment to the Federal Constitution guarantees to every citizen the "equal protection of the law", and it is the solemn duty of every officer charged with the responsibility of upholding the law to employ every effort and means to make this provision of the Federal Constitution effective. This bill not only makes those who participate in a mob guilty of a felony but it also makes guilty of a felony any officer—State, county, or municipal, charged with the power or authority to protect the life of any person that may be put to death by a mob—who fails, neglects, or refuses to make all reasonable efforts to prevent such person from being so put to death. Too often, Mr. Chairman and gentlemen, the officers charged with upholding the law are in sympathy with law violations and merely make a pretense and a mockery of law enforcement.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield to the gentleman 2 minutes more.

The CHAIRMAN. The gentleman from Tennessee is recognized for 2 minutes more.

Mr. TAYLOR of Tennessee. The whole country is sick nigh unto exhaustion with such travesty. The law must be enforced whether good or bad if our institutions shall prevail and our civilization continue. A good law should be enforced for manifest reasons, and only the genuine enforcement of a bad law will develop and expose its viciousness and lead to its repeal. With laws based on simple justice, sound human experience, and the spirit of the teachings of the meek and lowly Nazarene, and with officials with the courage, fidelity, and integrity to enforce them the future safety of our Nation is secure. The individual or community that cannot trust the regular, ordinary governmental agencies and institutions to make good the guarantees of the Republic is sadly lacking in the essential elements of good citizenship. The majesty of the law must be vindicated and upheld, and order must be maintained irrespective of cost or hazard.

Mr. Chairman, the lofty sentiments of the immortal Lincoln are peculiarly apropos today:

"Let every American, every lover of liberty, every well-wisher to his posterity, swear by the blood of the Revolution never to violate in the least particular the laws of the country, and never to tolerate their violation by others. As the patriots of '76 did to the support of the Declaration of Independence, so to the support of the Constitution and laws let every American pledge his life, his property, and his sacred honor. Let every man remember that to violate the law is to trample on the blood of his father, and to tear the charter of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and almanacs; let it be preached from the pulpit, proclaimed in the legislative halls, and enforced in courts of justice. In short, let it become the political religion of the Nation."

[Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. McREYNOLDS] such time as he may require.

Mr. McREYNOLDS. Mr. Chairman, in my opinion the present bill is fraught with many dangers more far reaching than the unlawful practice which it undertakes to correct.

To my mind there are not many things more horrible than lynching, excepting the character of crime with which most of those who reap this fate are charged. Regardless of the offense, I feel that lynching is not justifiable under any circumstances; not only on the theory that the man guilty of these horrible crimes has met his death, but mob violence strikes at the very safeguard of our laws and administration. When the law is at one time taken in the mob's own hands, even under what some would consider justifiable reasons, immediately this same spirit will at once undertake to destroy the law for even smaller offenses.

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No one can be more against lynching than I am, and the abuses of the result of such action, but this bill will destroy State rights if held to be valid, and in my opinion will not add to enforcement of the law against mob violence. It has been effectively demonstrated that the laws in this country cannot be enforced unless they meet with public approval. There has also been demonstrated that when the Federal Government undertakes to step in and be responsible, thus taking away the rights of the States and local courts, that it is invariably left to the Federal courts, without proper cooperation from local authorities.

For the colored race this act would be a step in the wrong direction. In some sections it would create resentment and feeling that would not be to the best interest of that race.

I fear that those who have tried to pass legislation of this kind for many years are guided and controlled by views probably coming from their own section and constituents, and not from that broad experience which might give them a proper insight as to what probably might be the disastrous results of such legislative action.

I am bitterly opposed to this legislation; first, because I think it is clearly unconstitutional; second, because it cannot be effective; and third, because it is not to the best interests of those who might become involved.

It is useless for me to go into the constitutionality of this act, that many times has been discussed on this floor as well as that of the Senate. The most able lawyers in this body for the past 15 years, as well as in the Senate, regardless of politics, have insisted that an act of this kind is clearly unconstitutional, with which opinion I am in thorough accord. For the benefit of the House, I might refer to one of the most able arguments, and which, to a great extent, was the basis of other legal arguments against the constitutionality of acts of this character. In January 1922 you will find that our most brilliant and able lawyer, who was then and is now chairman of the Judiciary Committee of the House—I refer to the Honorable HATTON W. SUMNERS of Texas—went into the legal questions very extensively relative to legislation of this character and should convince anyone that this act is clearly unconstitutional. I feel that if the Members of this House would consider the legal arguments there presented, without biased prejudice or interest, they would reach the same conclusions that he reached.

The provisions of this bill are very obnoxious, and especially do I desire to call your attention to sections 5 and 6, which provide that any county in which a person is seriously injured or put to death by a mob or riotous assemblage shall be liable to the injured person or the legal representatives of such person for a sum not less than \$2,000 nor more than \$10,000 as liquidated damages.

In other words, you propose to tax the taxpayers of what might be an innocent county to pay damages to the representative probably of some human wretch.

Section 6 provides that if any person so put to death shall have been transported by such mob or riotous assemblage from one county to another during the time intervening between his seizure and putting to death, the county in which he is seized and the county in which he is put to death shall be jointly and severally liable to pay the forfeiture herein provided.

In other words, if a mob in one county seizes a prisoner and at the dead hours of night brings him into another county where they have no notice that a crime has been committed, and he is put to death in that county, the people of that county can be punished by damages in the amount of not less than \$2,000 nor more than \$10,000. He may be seized from officers in New York and carried to Florida and put to death in the State of Florida where such State or county authorities have no knowledge of such action. This bill undertakes to make such a county liable. If this is justice, then I do not know what justice means.

I predict the day will come when many of those who are supporting this measure on the floor of this House will see the folly of their way and the great injustice done to the local people when an offense of this character is committed in their own county.



I am frank to say, under present conditions, that it is more likely to occur in other sections of the country than in some of the Southern States, which many of us have the honor to represent.

Of course, I recognize the fact that this bill is going to pass this House regardless of what we may say or do, because you have brought it before the House by a majority of the House. I have every confidence, however, that the Supreme Court of the United States will never sustain the constitutionality of this bill, and which, if sustained, will set a precedent giving the Federal court jurisdiction of any local offenses wherein Congress should pass such legislation.

Mr. SUMNERS of Texas. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. MOSER] such time as he may require.

Mr. MOSER of Pennsylvania. Mr. Chairman, for some years it was in line with my public duty and privilege as well to represent the strong arm of the Government of the United States in the investigation and prosecution before the Federal courts in various States of persons charged with a violation of Federal law. It is but natural that such experience would engender convictions as to the prosecution of law and trial by jury.

I have collaborated with those engaged in the prosecution for violations of the Mann Act and the Volstead Act. Both were noxious laws, designed to prevent practices therein held to be criminal in the enforcement of which the strong arm of government was invoked to stamp out the form of crime therein described by forcing violators to stand in awe of the majesty of the Government of the United States. Both failed in their preconceived purpose and only had the effect of creating contempt for the impotence of the Federal authority to enforce, by the proponents of the measures as well as those guilty of their violation.

I have sought this recognition of the House at this point and moment that my remarks may closely follow that able and masterful discussion by the gentleman from New York [Mr. WADSWORTH], who is, in my humble opinion, buttressed by experience, absolutely right on this question.

I crave the indulgence of the Committee for my sentimentality in mentioning that my earliest immigrant ancestor came to America 229 years ago last January and chose as his first abode Dutchess County, N. Y., represented in this House by the gentleman from New York [Mr. FISH], a proponent of the antilynching bill, but moved on to Livingston County, N. Y., represented by the gentleman from New York [Mr. WADSWORTH], before moving on to Pennsylvania and taking land on a patent from William Penn, which from the date it was set up as a county in 1751 is now Berks County, and which I have the honor of representing in this House.

In all this span of time history available to me and tradition has failed to reveal that a lynching ever occurred. Coincidentally, not one resident of the district has communicated to me a desire that I either support or oppose the antilynching bill, trusting rather to the traditional convictions inherited and developed to properly represent them on this measure. I cannot therefore conceive it to be my duty to do any other than vote against this antilynching bill. I cannot say to the law-abiding people who have never resorted to mob violence: "The Government of the United States, through the vote of your Representative in Congress, says you may not do what you have ever disdained to do."

Section 4 of this proposed bill, lines 12 to 17, says:

A failure for more than 30 days after the commission of such an offense to apprehend or to indict the persons guilty thereof, or a failure diligently to prosecute such persons, shall be sufficient to constitute prima-facie evidence of the failure, neglect, or refusal described in the above proviso.

Mr. Chairman, I have investigated cases for the Federal Government that have led to the prosecution of those guilty of crime. In innumerable instances it was not possible to apprehend within a given limit of time. The time I consumed was never restricted. In the investigations that led to the obtaining of evidence on which to apprehend, and on

which to convict, frequently many months were necessarily consumed, and at times years, approaching dangerously near the deadline of the statute of limitations—3 years. I cannot under any circumstances vote to make my people liable under such prima-facie evidence amenable to the proviso therein mentioned.

Mr. Chairman, I shall not attempt to go into further detail concerning my opposition to the various provisions of this bill. All have been adequately covered by others addressing the Committee.

I yield to no one in my love for law and order and respect for constituted authority. I yield to no community, as able to present a better record than my own, on the subject matter of the purpose of this bill. I cannot support a measure that would have the effect to discourage a public official in the performance of his official duties lest he lay himself open to the provisions of this proposed legislation and render himself liable thereunder. In the light of personal experience, this bill, if ever enacted into law, will not have the effect to encourage local authorities to go forth and prosecute it. Its passage and enactment will therefore, in my opinion, have the effect to remove as well as withhold the protection of law now enjoyed by those accused of such crimes that experience has shown lead to lynching.

My vote against this bill will not be an endorsement of lynching, as has been charged from this House floor. It will be a vote of my community, saying to the Federal Government, You failed in the purpose ascribed to the Mann Act, you failed in the purpose ascribed to the Volstead Act, your impotence has proved the utter futility of attempting to police the Nation, you have failed utterly in the matter of enforcing laws requiring policing State lines; now, by the vote of our Member, you shall not attempt to interfere further with the rights of the States by attempting to police county lines for crimes never committed in this law-abiding community.

"Accordingly, all experience hath shewn" it is impossible to regiment, by legislation, the morals and passions of humanity.

Mr. GUYER. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I have one or two very persuasive reasons for wanting to make a brief statement on this matter.

We do not seem to know these days whether a bill is constitutional or unconstitutional until it is passed on by the Court; we do not know whether it is a law or not until court procedure declares it. I have read both sides of the argument on the constitutional questions involved, which forced me to read again and again the fourteenth amendment. Briefly, the fourteenth amendment provides that no State shall deprive any person of life, liberty, or property without due process of law. It further states that Congress shall have the right to enforce the provisions of that amendment. I want to paraphrase that by saying that in any State where the authorities fail to protect life and liberty Congress apparently has the power to enforce the law. That is very convincing to me.

I recognize the futility of this legislation, but as old friends of the colored race the Republican Party are still with you, even though you have almost entirely deserted us. [Laughter.] But I desire to extend my sympathy, and I wish you would page Dr. Stanley High for the moment. This certainly is the beginning of the cleavage begun by those now paying the price of Negro support, as was stated by the gentleman from Georgia [Mr. PACE] a few days ago. The Democrats from various large cities were not formerly greatly interested. They stood with the Democrats of the South, but now they have a constituency that they must represent, and they will not only represent them in this matter but other provisions of the fourteenth amendment will soon be considered. It is a beginning of the cleavage. I may say to the gentleman from Chicago that I understand perfectly well that this is only a beginning of his activities, undoubtedly, to have not only protection of life and property but may soon insist on other rights of citizens that seemingly at least have been greatly abridged.



But I know it is largely the problem of the South, and I want to say to my good friend from Texas [Mr. SUMNERS] that I fully agree with him. It is their problem. You know how best to solve it. This bill will prove futile. A culprit will not be allowed to get into the hands of the sheriff. This act applies, you know, only after they get into the hands of the sheriff. They will find a way out. [Laughter.] But having the faith of my forefathers and my Republicanism, I certainly will vote for the bill; that is, I have finally salved my conscience as to its constitutionality by simply rephrasing the reading of the fourteenth amendment.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. RANKIN. Let me say to the gentleman from Massachusetts that the reason there was included in the bill the provision that it should apply only where a man was under arrest, was to protect the racketeers in other States where they go out and murder innocent people. Under this bill, you see, they can murder or lynch innocent people and the perpetrators would go unpunished.

Mr. GIFFORD. Mr. Chairman, I did not yield to the gentleman to make a speech.

Mr. RANKIN. This bill applies only to people who are under arrest.

Mr. GIFFORD. I will answer the gentleman. In regard to gangsters, our officers really try to get them.

Mr. RANKIN. Where and when did that start?

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, this bill deals with a subject of great human interest. There are no questions involving complicating figures or abstract scientific problems. The only question is, has any man the right to take the life of another except by due process of law? If no one man has this right, has a mob or group of men this right? The fifth amendment of the Constitution provides that every man has the right to life. If he forfeits that right he does so because some law so provides, and if a law does so provide, that law or some other law provides how his forfeiture of that right is to be determined and how punished.

There can be no question but that out of the relation of master and slave that once existed in the Southland that there remains yet much of that same spirit. The white masters have by their natural overlordship built up a sentiment that shows itself upon the least attempt of the colored man to show equality, even if shown with the finest humility. That feeling of superiority has shown itself in high places so long that those not in high places think that if they can join a lynching party and take the life of some defenseless colored man they are doing the right thing to continue to show to the world that the relation of master and slave still exist. When the southern people clear this prejudice from their hearts and really set their forces to wipe out this disgraceful system of administering the law they will eradicate lynching.

One of the most striking illustrations of this overloading in high places was shown by Chief Justice Taney in the opinion he wrote in the Dred Scott decision. Among other things, he said: "The Negro race is regarded as so far inferior that it has no rights." Further, he said: "The Negro might lawfully and justly be reduced to slavery for the white man's benefit." There is too much of that sentiment remaining yet. If there is not the proper sentiment in the Southern States to support legislation to stamp out the practice of lynching the Federal Government should intercede so as to carry to all American citizens the provisions of the Constitution. When men are being lynched and deprived of their lives without due process of law, in fact without any law and in open defiance of law, we should extend the power of the Federal Government to their protection. I shall vote for this bill with the hope that we may blot this brutal and barbaric practice from our land.

Mr. GAVAGAN. Mr. Chairman, I yield such time as he may desire to the gentleman from Ohio [Mr. FLEGER].

Mr. FLEGER. Mr. Chairman, I wish to take this opportunity to voice my support of the Gavagan antilynching bill. To me it is one of the most humane pieces of legislation

which will be considered by the House during this session. Had this law been in effect sometime ago the horrible example of mob violence which took place several days ago would probably have been averted.

So far all efforts to give protection against mob violence through Federal means have been defeated, not because of any sound reason but because of racial prejudices that unfortunately exist in many of our States. It is difficult to assign any convincing reason why unfortunates who may have incurred the hate of their particular community should be subjected to lawless mob murder. Yet we find in Congress and in various State legislatures organized opposition to the enactment of any antilynching legislation which can be properly enforced. There is one outstanding exception, Virginia. Since the passing of Virginia's protecting law there has been not one lynching to mar the bright record of this State. Contrast this with another of the Southern States. The double lynching which took place 2 days ago is an example of uncontrolled mob violence. The newspapers tell how two colored men were tortured and lynched by a mob of over 100 white men near Duck Hill, Miss., after they had pleaded innocent in court to a charge of murdering a white man. A third colored man suspected by the mob of complicity in the slaying of a country storekeeper was severely whipped and run out of the county after narrowly escaping the same fate of the other two Negroes. One man was tied to a tree and tortured slowly to death by flames applied to his body by a blow torch. Another man was shot by members of the mob and his body burned. This, ladies and gentlemen, was not in the days of the catacombs; it occurred in a civilized country—our country—in April 1937.

The proponents and sponsors of this bill are not trying to give protection to criminals. They do, however, seek to protect those who in many instances have been innocent of any crime, yet, because of mob rule, have suffered the tortures inflicted by the mob without justification. A good example of this occurred in the past few days in the whipping of the innocent Negro bystander.

The conviction of innocent people is not uncommon. A good illustration of it centers around a case in the State of Ohio, wherein the accused being of Negro race was convicted and incarcerated in the State penitentiary for a crime of which he was innocent, and for which he was subsequently proven innocent through the confession of the guilty person. Had this man been living in the community where the lynching took place several days ago, it would undoubtedly have resulted in his death at the hands of the mob without giving him the benefit of a trial, which has been guaranteed to all citizens of the United States.

The fault, as I see it, lies with the public officials who condone such atrocities. Why is it that Virginia and the Northern States are free from this type of crime? The answer is in the proper enforcement of laws by public officials.

The present bill which we are now considering has the endorsement and the support not only of the 15,000,000 Negroes of the United States, who are praying for its passage, but from practically every organization that is interested in law and order and in the general welfare of the public.

There is nothing in this bill that in any way endangers honest public officials who are willing to do their duty as they have sworn to do it. There is nothing that in any way endangers the liberty and freedom of any individual who respects the laws of the United States.

We have had many instances in the past years where local and State governments have been powerless to cope with outbreaks of mob violence. We have had many instances where innocent victims have been cruelly tortured and murdered before any court of justice had an opportunity to pass upon the guilt or innocence of the accused.

No right-thinking American citizen should deny to any other citizen the right of a fair and impartial trial by a jury of his peers. This bill makes it possible for the Federal Government to step in where local governments and public officials condone such violence or willfully fail in the suppression of these crimes. It removes the enforcement from



political influences and gives assurance of respect for law and order. It should be passed unanimously without delay. [Applause.]

Mr. GAVAGAN. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. LANZETTA].

Mr. LANZETTA. Mr. Chairman, I arise in support of the antilynching bill sponsored by my colleague from New York [Mr. GAVAGAN].

After listening to the arguments on Monday against the resolution to discharge the Committee on Rules and on Tuesday against the bill proper, it seems to me that the opponents of this legislation are trying to raise a smoke screen so as to hide the real issue that is involved in this measure.

The real issue involved in this proposed antilynching legislation is whether the wanton, brutal, cowardly, and deliberate murder and torture of colored people by lawless mobs shall continue to go unpunished, or whether the constitutional provisions that they shall not be deprived of their right to live without due process of law shall prevail.

The opponents, in trying to scuttle this measure, argue that it is unconstitutional and that we as Members of Congress have no right to legislate against the continuing of this butchery of human beings, which has been a blot on the escutcheon of this great Nation since its birth.

Truly the gentlemen that are now interposing these arguments cannot be serious in their contention, for if they are right then all of our labors as Members of this great deliberative body are but idle gestures. Of what use would it be to the 125,000,000 people in the United States for us to legislate for their material well-being if we have not the power to pass laws protecting their lives, the one thing most essential to them if they are to enjoy the benefits of our legislative efforts? While I agree that the right to protect persons in their lives lies originally with the States, nevertheless I am in full accord with the supporters of this bill that Congress has the right and the power to legislate on this subject once it is satisfied that the States have been derelict in their duty, as in the present case.

Mr. Chairman, many of the States have failed to protect the lives of colored persons from the rapacity of blood-thirsty mobs. They stand indicted on their own record of dismal failure to punish the perpetrators of these atrocities. In the face of thousands of lynchings which have taken place up to a few days ago and the small percentage of convictions obtained against the participants of this mob rule, what credence can be given to the statements made by the opposition that there is no need for passing this bill, and that the States can very well take care of this most serious problem?

If the States that now object to antilynching legislation by Congress have been unable to wipe out this horrible form of crime up to now, why must we wait until more human beings are slaughtered and tortured to death before taking this much-needed step? Let us do it now, and let the passage of this bill serve as notice to all concerned that hereafter punishment will be meted out for this particular crime.

Mr. Chairman, the crime of lynching is not committed behind closed doors but out in the open. In many cases before the crime is perpetrated, practically every man, woman, and child in the community knows about it. In some cases its gruesomeness has been so spectacular as to attract the attention of practically the whole countryside. Do the gentlemen who oppose this bill, and who stand before this House today imploring us to do nothing about this most abhorrent situation, really want us to believe that under such circumstances, with hundreds—yes, thousands—of witnesses present, that no indictments nor convictions could be had?

I may be credulous, but I am not so gullible as to believe that if the constituted authorities, from the Governors down to the prosecutors, in the States where mob rule has run rampant, were sincere in their efforts to apprehend and to punish the persons guilty of these atrocities, that the convictions obtained would not have been far greater than what they actually are. Besides, a greater number of convictions,

coupled with severe punishment of the guilty, would have acted as a strong deterrent to persons who are inclined to take the law into their own hands at the least provocation.

The burning and killing at Duck Hill, Miss., the other day of two Negroes, and the beating up and torturing of a third Negro, who was innocent and had nothing to do with the crime, since he was let go, is a glaring example of the fact that no provocation is necessary to start lawless mobs on a rampage of torture and murder. From the newspaper reports it appears that the crime was committed as far back as December of last year, with more than ample time intervening to have cooled the hottest heads, and that the prisoners were in the custody of the law at the time they were seized by the mob. What reason or excuse did this mob have for taking the action which it did? None whatsoever.

Mr. Chairman, it is a well known fact that lynchings are not the result of the actions of relatives of the injured party, but rather the work of outsiders whose desire to kill and torture in cold blood is ever present and encouraged by the thought that they are immune from punishment for this sort of crime.

The ridiculously small percentage of convictions for the crime of lynching is more than ample proof that as long as the perpetrators of these inhuman and lawless acts continue to remain unpunished, that this type of crime will continue to be a scourge upon the fair name of our country and a horror to the people of the colored race, who, unfortunately, have been the greatest sufferers from this form of atrocity. Since many States have shown an apathy toward punishing this type of criminal, then I, for one, am in favor of placing the enforcement of the law against such crimes in the hands of the Federal Government, under whose Constitution all of us, both white and colored, first derived our inalienable rights to life, liberty, and the pursuit of happiness.

In conclusion I wish to take exception to the statement of the gentleman from Alabama that those of us who are supporting this bill are ourselves guilty of mob action. This distortion of the efforts and ideals of millions of men and women, who are supporting this antilynching legislation, makes us more determined than ever to put a stop to this modern form of barbarism, which has no place in our present society and which cannot and must not be condoned under any circumstances. [Applause.]

Mr. GUYER. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, I think I realize, as does each and every other Member of this House, that what I may say, or anyone else may say, on the question before us will have little influence upon the vote that is cast on this bill.

It is rather interesting that those who are opposed to the bill, generally speaking, give as their reason or excuse for opposing this measure, the ground of its being unconstitutional, and particularly in violation of the fourteenth amendment. We have during the past 2 or 3 days heard a great deal said about State's rights and their protection. I think I appreciate the earnest effort, wherever it is earnest on the part of the Members of this House in the discussion of this bill, to want to protect the rights of the States. I hope we shall be as earnest as to human rights. I have a profound respect for those Members who vote against the bill on the ground that in their opinions humanity will be better served and progress will move further if the measure is defeated by the Congress of the United States. Those persons who take such a position fairly and honestly on this question, I say, are to be commended.

But those of us who vote against it and use as an excuse, rather than a reason, that it is unconstitutional, then we are not doing our full duty as Members of this Congress.

I believe it has been plainly shown from the facts and figures which have been presented to this Congress that the States have failed in their obligation in the protection of humanity when we find that during the last 50 years more than 5,000 persons have lost their lives by mob violence. It is a disgrace, a crime, and a black spot upon the face of



humanity when we are faced with a situation that proves the States and the people of the communities of the States have failed in their obligation to protect the rights of human life.

And I realize that we have not protected the interests of human lives in other respects. It is true that where murders are committed and the accused brought to trial that in many cases proper punishment is not meted out where it should be. But when we are met face to face with figures which show that during the last 50 years in 99 percent of the cases where lynchings have occurred—those who have committed this infamous crime have been permitted to go scot free—it behooves us as Americans to do something about it, and to do it now.

In the past few days we have spent a lot of time defending a constitution that provides that the enunciation of it, among other things, is to provide for the common defense, to promote the general welfare, and to secure the blessings of liberty to ourselves and to our posterity.

I am not going to discuss with you the question of the constitutionality of this proposed measure, except to say that this same question was debated when the famous Lindbergh Act was enacted into law. This same question was debated and discussed vehemently when the so-called Mann Act was passed by this Congress.

And so I say that if we could lay aside our bias and our prejudice—and I realize it is practically impossible—we would take a different view of this legislation as it faces us this afternoon. The Negro has made progress in the advancement of civilization far more than could have been expected of him during the past 75 years; and while we give a great amount of credit to the Negro for lifting himself by his own boot straps, so to speak, yet we must give an immense amount of credit to a great many white people with whom he has been associated and who have made a special effort to assist him in the progress he has made.

So, this afternoon, the colored man of the South and of the North, and of the East, and of the West is asking for the same protection and the same right to which every human being living within the confines of the United States is entitled, and that is a fair and impartial trial and equal protection under the law. We have confused too many times during the heat of this discussion the subject of murder with that of lynching. They are not comparable. Murder is committed by an individual or individuals, who are, if apprehended, brought to trial. Lynching is committed by citizens of a community who flaunt the law, and take the law into their own hands for the purpose of meting out punishment against individuals, with the desire in their hearts that such individual shall not have or be entitled to a fair trial.

I believe that if you are opposed to mob violence, if you are opposed to savagery, and of bloodthirsty brutality on the part of enraged human beings who presume to flaunt the law by inflicting the ugliest tortures of death that human minds can conceive, if you think that every citizen in this great country of ours, regardless of race, creed, or color, is entitled to the same protection under the law, then I believe you will support this measure. [Applause.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself 30 minutes.

Mr. Chairman, I hope we will be able to consider this important item of legislation from the standpoint of its merits. It is not to be expected there will not be, in the nature of things, some consideration of political interest and some consideration of sectional attitude. We can only do our best to examine this question upon its merits.

**FAR-REACHING EXTENSION OF FEDERAL POWER OVER THE STATES PROPOSED BY THIS BILL—NOT RESPECTFUL COOPERATION WITH THE STATES**

This, Mr. Chairman, is the most far-reaching item of legislation, everything considered, which has been proposed in this country within a century. It is entirely different from the ordinary extension of Federal power, which is extended into a State in an attitude of respectful cooperation with the agencies of that State. This is a power given to the Federal Government to prosecute a State in the criminal courts.

If the gentleman from New York [Mr. WADSWORTH] is correct in his statement as to what is meant by the provisions of this bill, will you vote to give the Federal Government power to prosecute the Governor of your State if he does not call out the militia when some Federal official thinks he should?

Do not believe for 1 minute you can establish this sort of power in the Federal Government as against the States of the South—and that is what you are seeking to do under this bill today—and that the day will not come in our Government's life when the Federal power will be sent against your States with the same sort of overlordship. The question before statesmen today is whether or not you want to establish this power proposed in this bill as a part of the governmental policy of this Nation.

In 1922 I discussed the constitutionality of the Dyer anti-lynching bill. It was similar to this bill. I had in mind until a few moments ago to do a similar thing with regard to this bill. I have changed my mind. I am going to go deeper. That document over in the Congressional Library is not the Constitution of this Nation. It is a body of organic law adopted by the people. However, beneath that document, beneath its words, is the Constitution of a living government. I want to discuss it today in relation to this bill.

**AT VARIANCE WITH FUNDAMENTAL NATURE OF OUR GOVERNMENT**

Our Government by its nature is built upon the people. Our real Constitution is a living thing. It is rooted in the governmental concepts of the people. Unless it is sustained by their governmental capacity, it fails. If this Government of the people fail in this country, as in all other countries where such a thing occurs, government will resort to its only other alternative, a dictator. By its nature our Government is pyramidal in its shape. It starts with the individual and builds up through the community, up through the States, to the capstone, which is the Federal Government. By its nature—I mean by the nature God Almighty gave it—it functions from the bottom upward. We are trying to reverse the natural direction of its operation. It cannot be done. Neither can we stand this pyramid on its point. The members who sat in the Constitutional Convention did not try to do it. Of course, they did not write the Constitution in a creative sense. It came through the ages, every provision originating out of necessity, tested and developed by experience among a people peculiarly gifted with the genius of self-government. No political philosopher suggested its provisions. No convention fashioned them.

I do not at this moment distinguish between the written and the basic Constitution. Back in the Germanic forests in the first century, Tacitus looked in upon the people who afterward were known as the Angles and the Saxons. He saw the people gathered together to attend to the business of government. A leader submitted a proposition to them. If those people, the Anglo-Saxons, people like you and I, approved the proposition, they brandished their weapons. If they disapproved, they murmured, and that was the end of it. They, the people, spoke the voice of government. It was the voice of authority not from the top downward. It was from the bottom upward.

You cannot make a government of a free people, our sort of government, function from the top downward. Nature has fixed that as certainly as it has fixed the laws of our own bodies. We cannot violate these laws and escape punishment. With our eyes open, warned by all the lessons of experience, we propose the violation of this fundamental law today.

You cannot establish a great governmental overlord here in Washington, place the hand of superior authority above the voice of the elected representatives of the people, and perpetuate this system of government. It cannot be done. Yet today you are going to take the farthest step in that direction which has been taken in the centuries. Why? Let any statesman answer why. If there ever was a time in the history of this Nation when we needed to turn in the other direction, it is now. [Applause.]

When we began this administration, due to economic conditions, that fascinatingly interesting thing which has often happened in Anglo-Saxon governmental history occurred.



Sensing a crisis requiring a greater strength and a quicker pick-up than our institutions functioning normally afford, we concentrated in the Central Government emergency powers to deal with an emergency situation.

Do not ask me questions for a while, please. Give me your ears and your minds. I do not need your mouths. I have too much mouth now myself. Lend me your ears and your brains. I need them both. When I get through here I will give you back your ears; and if I forget and keep your brains, I will not have any too much anyhow. A lot of you fellows would never miss them, and your friends would never notice the difference. [Laughter.]

#### CHALLENGE TO STATESMEN

Statesmen of America, sitting in this Chamber at the high peak of human history, when you are challenged to be the greatest statesmen that ever walked the earth, what are you fixing to do to this governmental structure of ours? What are you fixing to do today, statesmen of America, against the fundamental nature of our Government? You are trying to reverse the natural direction of governmental operation. You are giving power to the Federal Government to lay its hands in coercion upon the Governor of your State and upon the officers of your State, upon the sovereign States themselves, to hale them before a Federal court and put them in stripes if perchance they fail to obey the mandate of the Federal Government with regard to procedure in the discharge of their State governmental duties.

Do you think you can establish that sort of thing in this matter as a part of the law and policy of the land, and turn back? Do you think you can make this system of government of ours function from the top downward? God Almighty has written in His great economy that you cannot do it. There is no king, no hereditary nobility to govern. There is no governor but the people. This Government is not resident in Washington. This Government is resident out in your States, among your people.

God Almighty in His knowledge and wisdom has devised the plan of teaching people how to do a thing by having them to do it. No people ever preserved the power of self-government except by exercising that power. They must govern or they lose the power to govern. That is fixed by a law of Nature universal in its application.

#### PRICE OF ECONOMIC RECOVERY

When this administration came into power all over the country we recognized instinctively the existence of this crisis which I spoke of; that it required a quicker pick-up and a stronger power than Anglo-Saxon institutions ordinarily afford. We made the Central Government strong by moving away from the people many of their accustomed governmental duties. That has made more necessary that all duties not associated with economic recovery falling within the governmental capacity of the people be left in the smaller governmental units where the people by doing them may give some exercise to their governmental muscles.

Let no man in America underestimate what that shift of governmental responsibility is costing us. We had to do it, I agree, but let nobody underestimate what it is costing us in self-confidence, in self-reliance, in determination of a people to work out their own problems, get to themselves thereby the ability to work out the bigger problems of tomorrow. In such a time, in such a situation, you bring in this monstrous governmental proposition that has no connection with economic problems, at a time when we need to send our people back to the discharge of their governmental responsibilities; at a time when they must assume greater duties of government or surrender the opportunity to be free.

#### NECESSITY FOR PEOPLE TO GOVERN

We have no foolproof system of government. Governments are subject to the laws of cause and effect.

No people ever were able to preserve their liberty who lost the ability to operate a system of free government. No people were ever able to preserve that ability or any other ability except by continuing to use it. [Applause.]

I challenge the history of the ages for an exception. No people in all the history of the ages ever were able to operate a system of self-government who lost the ability to govern.

Write it down, statesmen, today. Whoever, after the formative period of a government is finished, moves away from the people the necessity to govern, moves against the best interests of his government. All true progress after that time is in that direction which moves the opportunity and the necessity to govern closer and closer to the people.

Now, what is the excuse for this bill? I will not say it is political. I am glad we did not have to vote yesterday. I felt pretty mad about that lynching in Mississippi, and I sent them a red-hot telegram. I believe if we had voted yesterday I might have joined your mob to lynch the Constitution as you are proposing to do today. I had the mob spirit pretty high in me yesterday.

Why are you going to do this? Does anybody underestimate the importance of what we are going to do? It is a major thing. We are a nation now. The States have grown together by natural processes at the points of physical and governmental contact. We are a nation, created such not by the Constitution. It never constituted either the fact or strength of union. It was as the tape of the horticulturist, holding the parts together until Nature could tie in the fibers of union.

All true progress in this Nation from now on has to be in that direction which puts the necessity of government and the power of government closer and closer to the people. This bill moves it away. This bill interferes with the development of community responsibility and capacity to prevent lynching.

#### LYNCHINGS REDUCED—NO OTHER CRIME CAN SHOW SUCH REDUCTION

I come from the South, and I speak advisedly about this thing. We do not want the necessity to govern in this matter taken from us. Is it because we want to see these poor people lynched? No. We know that only the communities can protect. We know that public sentiment, public purpose, and public capacity of the communities of the right sort is rapidly developing under the fact of exclusive responsibility. We come here and appeal to you of the other States not to interfere with that development.

We live in a peculiarly difficult situation with two dissimilar races living together, trying an experiment that has never succeeded in the history of the ages. It is a difficult situation, a dangerous situation, a delicate situation, and we know better how to handle it than you do. We know the probable effect of this invasion of the States, directing their official personnel under threats of Federal punishment. We come here and ask you to give us a chance to finish this work.

Are we making progress which justifies that request? Here are the lynchings [indicating on chart] from 1882 to 1892, inclusive; there was an average of one lynching for each 380,000 people; and here is the period of the next 11 years, 1893 to 1903, inclusive, one lynching for each 555,000 population. Here is the next 11 years, 1904 to 1914, inclusive, one lynching for each 1,308,000 population. Here is the next period, 1915 to 1925, one lynching per 2,129,000 population. The next period, 1926 to 1936, inclusive, one lynching per 7,488,000 population. During last year there was one lynching per 15,000,000 population.

Are you honest about this thing? Do you want to see lynching stopped in America? I would be willing to make the proposition to any Member on the floor of this House that I would be willing to vote for this bill if you could point to a single major crime in America that has been reduced as rapidly as this crime of lynching. [Applause.]

I did not want to be interrupted, but I yield now, and I want the RECORD to show that I yield and no Member accepts.

This is the record between 1892 and last year. On a basis of population the number of lynchings in this country were reduced over 5,000 percent. (I mean on a population basis there were over 50 times more lynchings in 1892 than in 1936, over 5,000 percent more.) You do not give us any encouragement for this. I have seen in my own city the sheriff put up machine guns and shoot down the mob. Do we hear anybody say anything about that? You point to 5,000 who have been lynched, but do you tell the people the truth—that last



year there were only nine; as a matter of fact, eight? Why is it you want to say things like that, which appear in the papers and are uttered on this floor, about us of the South?

GIVE US A CHANCE TO FINISH THE JOB

We have the same sort of spirit you have. We are men of the same blood. Why do you do it? We have reduced lynching 5,000 percent and we can finish the job. We know how to do the job. We can say things to our people you cannot say, just as you can say things to your people that we could not say. I can talk to the people of Texas. I am a southern man and I can talk to the Governor of Mississippi. Human nature is the same everywhere. Why do you not leave us alone and see what we can do about it? I put it to you, man to man; why do you not give us a chance? What would you think if you had some major problem in your country that your people had been working on for many, many years, and we of the South and the West would get together and come up there, over your protest, when you had said, "Boys, stay out; we have a bad situation; we have a difficult situation; we have a dangerous situation, and we know more about it than you do. Stay out; for God's sake stay out, and see if we cannot stop it." How would you like it? Do you think our coming would help you?

What would you think if we came in there over your protest because we had the major number of votes, in violation of the Constitution of the United States, and did what you are proposing to do to us today? You can do this thing to us today; but as the God of justice reigns in the heavens, there will come a day when the law of retribution will send somebody to do a like thing to you. You are establishing this power of the Federal Government going into sovereign States, and of the United States marshal laying his hand upon the governor of a State, charging him with some violation of Federal law in dealing with the people who elected him to office. Do you think that you can establish that principle and power in the Federal Government and not have that thing come home to plague and bedevil the people who do it?

We are standing at the high peak of history this day. All the world is in strife and confusion. Whether we can win through our difficulties no sober person will hazard a prophecy. A united, governmentally capable people should be able to win. This bill operates against unity and governmental capacity.

We do not need 2-by-4 politicians, not in an hour like this. When we look to the future we do not know. We ask the watchman on the tower, what about my Nation, and he says, "I do not know." No man can see through this curtain of smoke that enshrouds the earth this day now while you sit there and I stand here.

COMPARE LYNCHINGS WITH GANGSTERS

You indict my people of the South. Read the speeches in the RECORD day before yesterday. What is your proof? What is your case?

Here is your case: Eight or nine lynchings last year, 1 for each 15,000,000 population, a reduction of over 5,000 percent since 1892. And you people who are all hot and bothered about it, you people living in these big gang-ridden cities, where combinations of crooked politicians and gangsters murder and terrorize and rob, are looking with a spy-glass into my section of the country for something to bestir your righteous indignation. Do you believe that these gangsters of yours are murdering and robbing by due process of law? Are you affording their victims due process of law? Why do you not include them in the denunciations of this bill?

I am not talking about the written Constitution; I am talking about the fundamental constitution that underlies this Government. That is what is being violated by these provisions. Tell me now, honest, man to man, would you pass this law—and I am asking you on your conscience, man to man under your oath—would you pass this law today, would you vote "aye" for this bill today if you did not think it was necessary? Would you do it anyway? In the secret recesses of your conscience, answer the question. Would you vote for it if you did not think it was necessary? Do you tell

me that when the people of the States have reduced a major crime to 1 in 15,000,000 population, making a progress of 5,000 percent since 1892, that you think it is necessary—man to man, before your God, to do this monstrous thing, weakening the structure of your Government? Of course you do not; we had just as well be candid about it.

TUSKEGEE INSTITUTE PREDICTS CONTINUING DECLINE IN LYNCHINGS

Mr. Chairman, down in Alabama there is the greatest constructive agency dealing with the colored man in this Nation, the Tuskegee Institute. They are very high-class people. The president of that institution, recently discussing the decrease in lynching, had the following to say. Remember this is not a white man who is speaking; this is a colored man, a colored statesman, the same type of man that this man MITCHELL, who comes from Chicago, is. [Applause.] And if MITCHELL holds himself throughout the years as he is today, his head on his shoulders and his feet on the ground, he stands a chance to be recognized by the historian of the future as the greatest statesman his race has produced in a century. [Applause.] I want now to have read to you what the president of Tuskegee Institute says about it, and I ask my friend, Mr. MILLER, of Arkansas, to read this:

Mr. MILLER (reading):

There are a number of interesting features to be noted. From 1882 to 1885 there were more whites lynched than Negroes. Concerning the decline of lynchings in the United States, I call attention to sheet no. 2, "Lynchings, white and Negroes, by periods, 1882-1936." You will note that there has been a steady decline in the number of lynchings for each of the 10-year periods, 1887-96 to 1927-36. Judging from the trends shown in this table, there is every reason to believe that there will be a further decline in lynchings.

There are probably three major factors that have contributed to this decline. The first of these is the tendency for frontier characteristics in the South to disappear (lynching was a special characteristic of the frontier in America, both in the West and in the South). Second, the breaking down of isolation in the South by increased facilities: (1) Rural Free Delivery; (2) more telegraph offices; (3) more telephones in small towns and rural areas, and (4) recently the radio and paved roads. Third, increasing agitation within the South during the past 40 years against lynchings. This has resulted in an increasing sentiment against the evil. This sentiment has expressed itself in the increasing efforts to prevent lynchings.

From 1914 to 1919 the number of persons lynched was much greater than the number of persons prevented from being lynched. From 1920 to the present the number each year prevented being lynched has greatly exceeded the number lynched.

These facts and trends seem to indicate unquestionably that there will continue to be a decline in lynchings in the United States. Not only in these statistics but in many other ways is there employed a growth in the humanitarian attitude of the American people. This growth, I believe, has paralleled the development of educational and social agencies, all of which bid fair to rid this Nation of the barbaric practice of lynching.

Mr. SUMNERS of Texas. Mr. Chairman, that is the testimony of a colored man on the ground. Here is what we are interested about. How do you think that decrease could have happened? It happened only by the development of a sense of community responsibility and community outrage at the offense of lynching. That has to go first.

It could not have happened any other way. The purpose and capacity of the people of the South to stop this barbarous practice has grown. Why am I apprehensive about this law? I live in the South. I would not lie to you about this. I know that when there is danger of lynching there is no possible defense of the person in danger except the people in the community at the time. These lynchings happen in isolated communities, and that is an interesting fact. We in this country, in our westward migration from the Atlantic coast to the Pacific Ocean, have moved, the population has moved in advance of organized government. When these populations moved into these isolated valleys government sprang up.

LYNCHING FORM OF EXECUTION OF PIONEER HOME-MADE LAW

Home-made government. Life and property were made safe. The most perfectly functioning democracy of all time, because they did not even require the paraphernalia of government. Lynching was the method of execution of that home-made law. As organized government has moved on as the communities have settled up, as roads have been



opened up, as it has been made possible to get officers out there quickly, people have come to be protected in their communities by a regular constabulary. This home-made law, this home-made government has passed out of the picture. In some rural communities yet there is practically no police protection. The people protect themselves. In such a community, when a crime is committed, there is a feeling of personal responsibility and of personal and family danger and concern that does not obtain in a city, because these people are their own police officers. Not only is that true but because of lack of police protection the sense of community danger is greater. If there is a cry of distress, everybody grabs his gun and goes. It is his business. In the city we grumble at having our slumber disturbed and wish the police would hurry up and quiet things down so we may go to sleep again.

By the way, I want to make this statement—

Mr. CREAL. Mr. Chairman, will the gentleman yield for a question?

Mr. SUMNERS of Texas. No; not now. Perhaps I will later. I want to make this statement: There are 14,000,000 colored people in these United States, and we sometimes read in the papers of a horrible crime committed by one of them. It is an infinitesimal percentage of the people who do these things. The few people who do these horrible things are not representative of the colored people of the South. [Applause.]

I will cite you a case to illustrate what I am talking about, and I am going to show you the dangers of this law. In my State, in a community made up of Bohemian citizens, one day when the family went away to the field they left a little 14-year-old girl at home. When they came back home they found this little child weltering in her own blood. They found a man on the railroad tracks, about 3 miles away. He was detained. The whole countryside was aroused. Why? Because every father in that community knew that it was just a matter of accident that it was the daughter of that family and not his own daughter.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Chairman, I yield myself additional time. I may use it all.

Now, I am not trying to make a constitutional speech, but I am talking about something that is as fundamental as the Constitution. I am talking about the instincts of the people. I am talking about how you would have felt if you had lived there. I am trying to show what we have to deal with and how hard it is. This man was identified by the little girl; still they did not do anything. They took him down about 3 miles to a little village and the constable had him in charge. Really the people had him in charge, the father, brothers, and neighbors. Can you not understand? Somebody said, "If this man committed that crime, unless he has bathed his body, he has this child's blood on his person."

They examined his body and he was clotted with blood; and they killed him on the spot. Bad? Yes. But suppose you had this law on the books, what would have happened in that community? As it was, when the people had calmed down and cooled off and had come to their senses, they began to say, "We must not do this any more; we must control ourselves." A little child ruined for life by a brute, as unworthy of human sympathy as a lion in a community. Only one constable. People are close to each other in such communities. They are exposed to common dangers. It is not easy.

Mr. CREAL. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. No. The gentleman made a big speech a little while ago. Let me make a big one now.

I know what is making this reduction in lynchings possible; and I tell you, and you will not believe me. Suppose a United States marshal had gone into that community and had taken the father and brothers of that child away off to the Federal court and put them in jail and sent them to the penitentiary as you provide for in this bill. Do you think that would have helped to strengthen those people's

purpose to prevent lynching in the future? I do not mean this in any offensive way; but has anybody got little enough sense to believe that if you had taken that father away from the bedside of that little torn girl it would have helped to stabilize the people? And then, in this great bill, you would have levied a tax on the father of that child and the neighbors of that child to raise \$10,000 to pay it over to the estate of this hound of hell that had destroyed that child's life. That is what you propose to do in this bill. You strut around here and talk about being statesmen!

#### DIFFICULTY OF SEPARATE RACES LIVING TOGETHER

And why are you doing it? Does anybody fail to know that the purpose to defend has got to precede defense? We have a pretty difficult situation down there, not insofar as the mass of colored people are concerned. It is these rare exceptions which are magnified by outsiders for financial or political profit.

We do not understand these lines of racial cleavage. They do not seem to be noticed until large numbers of dissimilar races are thrown into intimate contact. It is an interesting thing, not that one race is better than the other, but these lines of racial cleavage seem to have been drawn in the counsels of infinite wisdom, and the instincts of racial self-preservation seem to have been placed there to guard them. We do not understand it. We can see the phenomenon at work. That is all we know about it. When are they to be broken down, I do not know, and you do not know. But we are doing our best, these colored men and women, white men and women, trying their best to live together; and only here and there some member of the colored race or some member of the white race, an exception to the rule, goes bad.

#### UNFAIR TO SOUTH

What I think is the most unfair thing you men from the North are doing in this debate, and it is unfair—I leave it to you when you reach your calmer moments—to talk about these 5,000 people that have been lynched as though that number is associated with our present problem. You do not point to the fact that we have reduced the number of lynchings to nine last year. You almost seem to regret that fact. Not a man from the North has stood on this floor and in justice to his fellow countrymen of the South let the world know the truth. It is not right, boys; it just is not right.

We did wrong when we violated the great law that God Almighty announced to Adam at the gates of the Garden of Eden when we brought these colored people here to do our work; it was not right. I cannot understand at all the horrible institution of slavery. Every drop of my blood revolts against the lynching of a human being. We have been paying the price. For a long time we have been paying. You sold them to us, you brought them in your boats from New England and sold them. You stole them out of Africa and sold them to us. [Applause.]

As soon as you got your money you got all hot and bothered about their being in the condition into which you sold them. I am glad they were freed. Slavery was not only wrong to the black man, but it was fast destroying the civilization of the South. And there is an interesting thing about that, too. It seems that a divine providence has guided and guarded these colored people since they came here, the most interesting chapter I know of in the history of the races of men. There was no door that was open to them that could liberate them from the jungles of Africa except the door of slavery. They had lived through ages and ages in Africa, in the tropics. Living was easy; they did not have to struggle, their minds were not developed. Nobody would have hired them and brought them out. Only slavery opened this door. Horrible as it was, it was the only possible escape. If they had got out and had not had the protection of ownership of their bodies they probably would have been destroyed by the white man's vices.

Because of the fact that they were brought into close contact with white men and were compelled to work, they improved. Ages and ages of inaction made them indisposed



to work. They were compelled to work, and through the use of their hands they developed their brains.

Even the War between the States seemed to have been necessary for them, because if they had been freed—and they would have been freed long before they were if you people from New England had left us alone; but if they had been freed without your interference they would have settled down on their masters' plantations. War seemed to have been necessary to break even in a measure the old attachment. I am not sure that the carpetbagger was not necessary to drive this line of cleavage a little deeper. It was a pretty hard one to drive through.

I am not sure but that the carpetbagger was necessary—and, to be truthful with you, I am not sure that the pestiferous interference of you people from the rest of the country, such as is manifested by this bill, may not have been necessary—I am not certain about it. If our situation had been reversed, I suppose we would have misbehaved as badly as you have, so I am not angry with you. You have not paid your share for this thing yet. We have been paying, and paying, and paying, and paying for the violation of that great fundamental law when we were not willing to do our work. You brought them into slavery. We were each section responsible for the tragedy of the terrible war. After the war no helpful hand was extended to that battle-cursed country. Maybe that was good, too, but you have not paid your part. You keep this thing up, this thing being done for political profit, and finally this great big question is going to move up into your part of the country and you will not know what to do with it. [Applause.]

I do not believe you have stopped to think about what you are doing. There has got to be an end to this holier-than-thou bedeviling of your brethren who live in the South. It is a bad habit. It may become an expensive habit.

#### FUTILITY OF THIS BILL

Now, may I say to my friend who has been wanting for a long time to ask me a question, go ahead.

Mr. CREAL. The gentleman has spoken of a great many of these isolated communities. May I ask if the gentleman thinks this bill applies to situations in communities of that kind, except where the persons accused are in custody?

Mr. SUMNERS of Texas. What you are fixing to do by this bill is to have the constable leave these persons wandering around out there, where there is a disposition to lynch them, until the folks can go and get them. Then they would not have been taken from the custody of an officer, and under this bill there would be no lynchings. [Applause.] Do you think that in any community where the sheriff is not willing to protect the persons accused against those who want to lynch them, he would arrest such a person, knowing he could be sued and prosecuted? Oh, you are a smart bunch. This is what people do when they monkey with something they know nothing about. [Laughter and applause.] You had better leave it to us, and attend to something you know something about. [Applause.]

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. CURLEY. What is the gentleman's opinion of the poll which was conducted last fall by the Institute of Public Opinion?

Mr. SUMNERS of Texas. You mean of my people?

Mr. CURLEY. No; I mean about general public opinion in the political campaign, the Institute of Public Opinion poll as published in the Washington Post is the one to which I refer.

Mr. SUMNERS of Texas. Wait a minute. I spoke several times in the last campaign, and I thought it was over and gone. I do not want to talk about it again.

Mr. CURLEY. I will bring it right down to the present issue then. What is the gentleman's opinion about the statement made by the same institute to the effect that a recent poll showed that 65 percent of those polled in the Southern States are in favor of this antilynching bill?

Mr. SUMNERS of Texas. I do not claim to know about that particular poll, but I do not claim the rest of the

country has a monopoly on people who have no more sense than that.

Mr. CURLEY. You do not think much of 65 percent of the Southern people, then.

Mr. SUMNERS of Texas. That is right; I will say it to them. Do not bother about me and my people.

Mr. CURLEY. Will the gentleman yield for another question?

Mr. SUMNERS of Texas. No; I am afraid you would make it too long.

#### "FEDERALITIS"

May I say that we have some editors down in my country advocating this bill. What I am afraid of is that in this whole country we have a chronic acute attack of "federalitis." [Applause.] You cannot find better evidence of it than that in this year 1937 the American Congress actually has in contemplation the passage of this bill. We have down in the South some editors, too, who favor the bill. The people have a notion that if anything is wrong, they want Uncle Sam to come and remedy it. They cannot build a hogpen down in this country now without wanting some Federal man to come in and show them how to build it. They really prefer to have him build it. You are voting to put some little 2-by-4 Federal marshal astraddle the neck of your Governor in this bill. We have some editors down there who ought to know better but who do not.

I want you to understand, also, you do not have the only editors in this country who can compete for the booby prize in statesmanship and editorial wisdom. We have some in the South of such ability that you can bring the best you have and our fellows will go around the track twice before yours get started. [Laughter and applause.]

Are there any more questions? I do not want to take up any more time. If I have been mean, I have not meant to be.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. HOFFMAN. In regard to this "federalitis" about which you are talking, was it a part of it when they sent 30,000 colored people up into Michigan before last November and kept them up there until after this April election?

Mr. SUMNERS of Texas. You mean they did not vote for you? [Laughter and applause.]

Mr. HOFFMAN. Let me answer the gentleman's question. In spite of the fact these people were brought up there and were paid for it, they did not vote for me, but I am here. [Applause.]

Mr. SUMNERS of Texas. May I say to the gentleman I am glad he is here.

Mr. HOFFMAN. So am I.

Mr. SUMNERS of Texas. If we have to have a Republican.

Mr. GAVAGAN. Mr. Chairman, I raise the point of order that the discussion has wandered far afield and is not in order under the rule under which we are proceeding to debate.

The CHAIRMAN. The gentleman from Texas will proceed in order.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes; if the gentleman will ask me a question which will not take me out of order.

Mr. MAY. I hope the gentleman will be patient enough to let me state my question.

In the great debate of 1832 between Webster and Haynes, back close to the time when the Constitution was written, the question was whether or not ceding to the States just a little bit of our public domain would purchase the States and destroy their liberty. How does this apply to the situation today, when the States are coming here and asking for everything in the world they want, and getting it? Is this bill an outcrop of this spirit of trying to let the Government run everything? [Applause.]

Mr. SUMNERS of Texas. I do not know, but I am not in favor of this bill outcropping any further. Is the gentleman?

Mr. MAY. Neither am I.



Mr. SUMNERS of Texas. Does anybody else want to ask me any questions?

I want everyone to understand I know better than to close a speech this way, because the thing to do is to make the speech and close with a grand peroration. I do know better.

Mr. BIERMANN. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. BIERMANN. Aside from the lawyers who are immediately involved and are attempting to pass this bill, does the gentleman know of any first-class lawyer in the United States who thinks this bill is constitutional?

Mr. SUMNERS of Texas. No; I do not; and if I heard of one who thought it constitutional, I would not think he is a first-class lawyer. [Laughter and applause.]

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. WOODRUFF. Will the gentleman return with me to this "federalitis", as the gentleman calls it? I think everyone in the country knows there has been a tremendous growth of this so-called "federalitis", and will the gentleman agree with me that the inspiration for most of it has come from mighty high places in this Government?

Mr. SUMNERS of Texas. We have this thing in our own hands today, and we want to show "high places" how things ought to be done. [Laughter.]

Mr. WOODRUFF. I would like to ask the gentleman further if he does not believe it would be a good thing to get away from most of this "federalitis" and not stop at this point.

Mr. SUMNERS of Texas. That is right, but let us start right today.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. MOTT. I rather took the gentleman's statement to mean that this antilynching bill is an outgrowth of this recent "federalitis." It is a fact, however, is it not, that a similar bill has been introduced in the Congress from time to time and the first agitation for this measure came up long before "federalitis" seized the country?

Mr. SUMNERS of Texas. That is right; yes.

May I make this statement? When this bill was pending in 1922 there were 63 lynchings, I believe, that year, and it was predicted that if the bill did not go through and become law, we might expect about every other colored person in the country to be lynched in about 12 months. The truth is that since about 1922, as I have already indicated, notwithstanding the increase of population, and as stated by the president of Tuskegee Institute, we have been constantly decreasing the number of lynchings, constantly increasing our purpose and efficiency in the protection of those in danger; in fact, making progress in the suppression of this crime, which has no parallel in this country. I believe that every unbiased, fair student who wants to see lynching stopped, who is familiar with the condition, who is not the head of some organization that is getting money by scaring people and taking up a collection and saying, "We will take care of you for so much per head", will agree that there is neither necessity nor justification for this proposed legislation. [Prolonged applause.]

[Here the gavel fell.]

Mr. GUYER. Mr. Chairman, I yield the remainder of my time to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Chairman, I yield to no man here in admiration for the speech to which we have just listened. I yield to no man here in admiration of the character and the capacity of our colleague who delivered the speech. All the more do I regret that he should have built that speech on so fragile and indefensible a foundation. The gentleman gave us to understand that we ought to act in this matter in consonance with the theory of State and local responsibility, and that we have no constitutional warrant to proceed otherwise.

I admire his description of the origin of our Constitution, the growth of the spirit that led to its framing. I regret he has forgotten the language of the fifth amendment. I regret he has not recalled it was one of the 10 articles demanded by the people as a condition to the adoption of the Constitution. I regret he has forgotten that the article to which I refer has been described by authority as a repetition of the common law, and I appeal to the common law of a thousand years, I appeal to those who wrote the Constitution, I appeal to those who have sworn to support the Constitution, and I ask them—I demand of them—that they remember the language:

No person shall be deprived of life without due process of law.

This provision was a condition precedent to the adoption of the Constitution, demanded because engrained in the Saxon character. It is the embodiment of our belief that no person shall be deprived of life without a fair trial by his fellows. Being in the Constitution it is the warrant, the justification, the cause, the demand why we should give it effect. That it has not been enforced is no excuse, that the violations of it have decreased is no palliation.

Furthermore, observe that the constitutional provision carries with it by implication power to enforce obedience. To this end Congress may enact as it sees fit, save that cruel and unusual punishments are forbidden by the eighth amendment. I have found no judicial decision to the contrary. This it is that dissolves all doubt as to the constitutionality of the provisions in the measure before us.

Also there can be no valid question on the score of States' rights. Remember that the amendment was one of the 10 adopted within 3 years of ratifying the Constitution itself. The power in this matter reserved to the States remained exclusively to them only during that period. Since then the Federal power has been paramount, even if not exercised. Federal powers do not lapse by lack of use.

In the exercise of such power the Federal Government has no exclusive privilege. It is still the duty of the States to see that no person shall be deprived of life without due process of law. We all rejoice that the extent of the wretched evil has been greatly lessened.

You say there were but nine lynchings last year. Thank God, there were only nine lynchings, but they were nine lynchings too many. Those of day before yesterday were too many. Until we can wipe out this stain altogether we shall have forsworn the Bill of Rights that prescribes our duties. [Applause.]

Mr. GAVAGAN. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. MAVERICK].

#### CONSTITUTIONAL RIGHTS OF CITIZENS SHOULD BE GUARANTEED

Mr. MAVERICK. Mr. Chairman, I am from the South, and I never knew that a Republican was white until I was 21 years old. [Laughter.] When I think of Republicans I can always remember such words as "Black Republicans" that I learned as a child. All of my people were Confederates. The men in my family ranked from privates, corporals, and sergeants up to generals in the Confederate Army.

I am in favor of an antilynching bill. I am not in favor of any Federal bill that takes over local law enforcement. But I am in favor of a bill which guarantees constitutional rights of all American citizens within the United States of America. [Applause.]

In the last few days we have heard a lot of speeches about "racketeering organizations"—and the reference is made to colored organizations. I do not approve of them. I approve of neither colored nor white racketeering organizations.

I have also heard a great deal about States' rights, about how we should "thank God for the Supreme Court", how this legislation is directed at the South. I have also heard that this is some evil move by Tammany Hall, which operates in New York City. Further, I hear it is an appeal for the colored vote. The last few days have been the greatest field days for emotion and excitement that Congress has had in many years.

As far as I am concerned, I would like to see the South be willing to give a Federal bond that this lynching be stopped



for all time. That is because it is not only a disgrace to the South, but it is a disgrace to the whole United States of America.

#### NORTHERN AND SOUTHERN DEMOCRATS—"POLITICAL PURPOSES"

Several have made reference to the fact that the northern Democrats are proposing this legislation for "political purposes." Whereas this may be true, it also may be true of southern Democrats that they are opposing it for "political purposes." You can vote for or against this bill and still be honest.

The fact is, this is a political Government, and its purposes are fundamentally political. There is nothing strange about that.

But, as I have said, insofar as I am concerned, I am a southerner and live in a southern district. In my district the colored people do not vote, and if they did they would probably vote against me. I am therefore not for the lynching bill to get colored votes. I am doing it because I think it is right, and because it will take a stigma from the escutcheon of the United States of America.

#### ANGLO-SAXON INSTITUTIONS—LOCAL SELF-GOVERNMENT

Today, also, we have heard a great deal about Anglo-Saxon institutions. How our forefathers were for local self-government. The truth is that historically in the entire world the only place that lynching has been practiced or is being practiced today is in the United States of America. It is peculiarly an American institution.

#### ORIGIN OF TERM "LYNCH LAW"

The word "lynching" came from the Lynch family, who lived in Virginia, and I am descended from that family. (See below II, Origin of Lynch Law.) But the Lynches never lynched anybody. All they did was to enforce the law against Tories and reactionaries during the Revolution.

I feel this way about it. One of our speakers read a report of a colored college professor at Tuskegee Institute to the effect that there were more white people lynched than there were colored people. Well, then, let us vote for this bill, so that white people are not lynched any more anywhere in the United States.

Let us do it for the white people.

Realizing that this is a 100-percent American institution, since we are talking about percentages of the reduction of lynching, let us get rid 100 percent of this 100-percent American institution.

#### SOUTHERN PEOPLE OVERWHELMINGLY OPPOSE LYNCHING

Every American, no matter where he lives, should have his constitutional rights protected and guaranteed. And down in the South, according to the Gallup poll, more than 65 percent of the people are in favor of a Federal antilynching law. The people there are as much opposed to lynching as the people anywhere in the United States of America (IV, Attitude of the South). A very small minority—an infinitesimal portion of the population—have occasionally disgraced the various States.

But the stigma has been put on the whole South. Yet, as I said in the first place, it covers the whole Nation, so I am in favor of blocking it out by guaranteeing the constitutional rights of all American citizens and punishing such officials as do not conscientiously do their duty.

Mr. Chairman, the first man to oppose slavery was the founder of the Democratic Party, Thomas Jefferson. He wrote a clause for the Declaration of Independence, but it was taken out. (See below, I, Lost Clause.)

This fastened slavery on the South, and the Dred Scott case made the Civil War certain. (See below, III, Dred Scott case.)

We in the South today (V, South Today) need to become an integral part of the economic and political picture of the Nation, and we should have minimum standards for the people everywhere (VI, This Is a Nation).

Mr. Chairman, exercising my privilege to extend and revise my remarks, I am going to discuss some important phases of American history. The South has had unfortunate things happen to it time after time. I shall discuss them numerically, and they are as follows:

## I

### THE LOST CLAUSE OF THE DECLARATION OF INDEPENDENCE

#### *Jefferson tried to prohibit slavery*

When Jefferson wrote the Declaration of Independence he bitterly opposed slavery. His hope was to abolish slavery at the very birth of the Nation. He had slaves himself, but he realized that it was a political institution that should be abolished; that economically it would destroy the people. For these reasons, when he wrote the Declaration of Independence, he included a denunciation of the slave traffic.

Speaking of the English King as the Government in connection with slavery, this "lost clause" of which I have obtained a photostatic copy from the library, is as follows:

#### LOST CLAUSE OF THE DECLARATION OF INDEPENDENCE

He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is the warfare of the Christian King of Great Britain. Determined to keep open a market where men should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce; and that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them by murdering the people upon whom he also obtruded them, thus paying off former crimes committed against the liberties of one people with crimes which he urges them to commit against the lives of another.

The original Declaration of Independence, as signed, is on display and has been seen by millions of Americans. This lost clause has probably only been seen by a handful of people—probably only a few hundred, but much less than a thousand. It is in the original draft of the Constitution which was not signed, but from which the final draft of the Declaration was copied. In this final draft the antislavery clause was omitted.

This lost clause is deeply interesting to every American. Had it been adopted, undoubtedly slavery would have been eliminated in the Constitution when it was written. But due to the fact that people from the New England States were shipping slaves to the South, and because of the recorded objection of South Carolina and Georgia, this clause was eliminated.

Thus slavery was fastened on the South. The result was, included with a few other events, that the people of the North and South had to endure a bloody war.

## II

### HISTORICAL ORIGIN OF LYNCH LAW

#### *Statute of the State of Virginia*

In the State of Virginia there lived Col. Charles Lynch, Jr. He was the son of Charles Lynch, Sr., who came from Ireland. Charles Lynch, Sr., was kidnapped and highjacked out of Galway, Ireland, brought to Virginia, and sold on the block to the highest bidder as an indentured servant.

But he was an apple-cheeked Irish boy, and he soon married the landlord's daughter. They had several children, one of whom was to become the famous Colonel Lynch, of Lynch's court, a brave Revolutionary soldier and a cavalry officer of first rank. He had a sister, Penelope, who married Robert Adams, Jr., and from which union I am descended.

Col. Charles Lynch was a member of the Quaker Church. The country around Lynchburg and Bedford, Va., was settled by Quakers, and Lynchburg was established by the colonel's brother. Colonel Lynch was put out of the Quaker Church for taking solemn oaths. That was when he became a member of the house of burgesses just preceding the Revolution.

At the outbreak of the Revolution he was a justice of the peace with William Preston, Robert Adams, Jr., and James Calloway, all living near Bedford. While he was not off at the front fighting, he was at home handling Tories and the Liberty Leaguers of the day.

#### THE LYNCH COURT OF BEDFORD, VA.

Now this is to point out the actual origin of lynch law. The court greatly exceeded its authority. It exercised the



power of a district court. It imprisoned Tories, and it also sentenced them to 39 lashes, and until they cried "Liberty forever." On one occasion a Tory was fined £20,000. It is pointed out this was no very heavy fine on account of the great inflation of the currency, but at any rate they exercised the power of a district court.

After the war the Tories and reactionaries who had suffered at the hands of Colonel Lynch, Adams, and the others, began filing suits. The Virginia Legislature soon met and in the October term of 1782 passed the following act:

#### LYNCH STATUTE OF THE STATE OF VIRGINIA

An act to indemnify certain persons in suppressing a conspiracy against this State.

I. Whereas divers evil-disposed persons in the year 1780 formed a conspiracy and did actually attempt to levy war against the Commonwealth; and it is represented to the present General Assembly that William Preston, Robert Adams, Jr., James Callaway, and Charles Lynch, and other faithful citizens, aided by detachments of volunteers from different parts of the State, did, by timely and effectual measures, suppress such conspiracy. And whereas the measures taken for that purpose may not be strictly warranted by law, although justifiable from the imminence of the danger;

II. Be it therefore enacted, That the said William Preston, Robert Adams, Jr., James Callaway, and Charles Lynch, and all other persons whatsoever concerned in suppressing the said conspiracy, or in advising, issuing, or executing any orders, or measures taken for that purpose, stand indemnified and exonerated of and from all pains, penalties, prosecutions, actions, suits, and damages, on account thereof. And that if any indictment, prosecution, action, or suit, shall be laid or brought against them, or any of them, for any act or thing done therein, the defendant, or defendants may plead in bar, or the general issue, and give this act in evidence.

I suggest that this be read very closely where it says:

Whereas divers evil-disposed persons \* \* \* did actually attempt to levy war against the Commonwealth \* \* \*

which looks mightily like Colonel Lynch wrote the legislation himself; for he had a good sense of humor. Indeed, since the Revolution had been started by the State of Virginia, apparently the writer of the statute simply reversed the language for the fun of it.

In the history of lynching it is well to remember this, because the origin of the name was of a legally constituted tribunal exceeding its authority, due to the emergency of war. But lynch law within a generation or two began to mean the exercise of rough frontier justice in western places where there were no peace officers. Because of rapid migration to the West, especially in such times as the gold rush, there would not even be a Federal marshal anywhere near a given community. The citizens, lacking any form of law, would get together at informal meetings in order to protect themselves.

This was the only law they had, but it was called lynch law and was reasonably respectable. However, there were many instances of barbarities and cruelties, because of the lack of proper rules of legal evidence.

#### TERM OF "LYNCH LAW" CHANGES IN MEANING

Thereafter lynch law began to mean the summary hanging or burning of a Negro for committing some offense, either of murder or the raping of a white woman. However, it is now grown to such proportions that lynching means the summary punishment by death of anyone, white or black, anywhere in the United States, for any cause suitable to the mob.

It is strictly an American custom and exists nowhere else except in the United States of America. Its origin is strictly through the Lynch court. This is indicated by the act passed by the Legislature of Virginia.

#### III

##### DRED SCOTT CASE

*Supreme Court case is leading cause of Civil War*

In this case the Court said:

This case involves private rights of value and constitutional principles of highest importance, about which there had become such a difference of opinion, that the peace and harmony of the country required the settlement of them by judicial decision.

This was the astonishing attitude of the Supreme Court. Imagine writing an opinion and thereby settling the vast

social and economic forces of the day. By declaring the Missouri Compromise unconstitutional it meant that slavery could not be adjusted or compromised by the elected representatives of the people.

It meant slavery could be extended to the entire West.

It meant economic destruction to the white settlers, or "free soilers" of the West.

It was not moral indignation that led the free soilers to immediate opposition, but they knew that they would be destroyed by competition of slave labor. Vast millions of acres of agricultural and mineral wealth, great forests and rivers where human beings could live, would thus be destroyed economically, and as a place for free representative government.

The Iowa Legislature and most of the western legislatures and northern legislatures immediately denounced the Supreme Court, stating that they did not intend to obey its opinion. So I shall read some typical resolutions of different legislatures.

This particular one is an excerpt from the New Hampshire Laws, June 1857, chapter 1999, page 1925:

#### NEW HAMPSHIRE RESOLUTION ON THE SUPREME COURT

First. That the great power vested in the Supreme Court of the United States and the permanent tenure of office by which it is removed from the direct control of the people, require that its action should be the object of constant and vigilant observation; that an influence upon it can be exerted only by public expression of censure upon any attempt of the Court to transcend the limits of its authority; and that it is especially the duty of the legislatures of the several States to expose and denounce any such attempt.

Second. *Resolved*, That the decision of the Court in the case of *Dred Scott v. John F. A. Sanford*, as pronounced by Chief Justice Taney, contradicts the facts of history, is repugnant to the Constitution, and subversive to the rights and liberties of the people.

Seventh. *Resolved*, That the expression of extrajudicial opinions from the Supreme Bench, on subjects agitating the public mind, is undignified and unbefitting the position, and the use made of such position to propagate political doctrines tends directly to destroy confidence in the integrity of the Court and respect for its decisions.

Eighth. *Resolved*, That in undertaking to decide those questions which, according to its practice, were not in issue, the Court evinced a desire illegally to control the action of Congress; that such course justifies the apprehensions entertained by the framers of the Constitution that there might be danger from the too great latitude left to the discretion of the Court; that a repetition of and persistence in such action would confirm the belief that there was a design and purpose on the part of the Court to usurp the functions of the legislative department, and justify the State in resisting, by all constitutional means, the enforcement of laws dictated by the Court.

#### VERMONT RESOLUTION

From the Vermont Laws, November 1857, page 83:

*Resolved*, That Vermont reasserts the constitutional right of Congress to regulate slavery in the Territories of the Union by legislative enactments; that such right is clearly conferred by the Constitution itself, and its timely exercise is indispensable to the safety and perpetuity of the Union.

*Resolved*, That these extrajudicial opinions of the Supreme Court of the United States are a dangerous usurpation of power, and have no binding authority upon Vermont or the people of the United States.

*Resolved*, That no ingenious sophistry of the judges of that Court can make it appear that the citizens of each State are not citizens of the United States, and citizens when in the other States, and entitled as such to all rights and privileges of citizens in the several States.

*Resolved*, That whenever the Government or judiciary of the United States refuses or neglects to protect the citizens of each State in their lives or liberty, when in another State or Territory, it becomes the duty of the sovereign and independent States of this Union to protect their own citizens, at whatever hazard or cost.

#### SEVENTY TO EIGHTY-FIVE PERCENT WHITE SOUTHERNERS NONSLAVE OWNERS

Just previous to the Civil War from 70 to 85 percent of the white population were nonslave owners. President Woodrow Wilson made long research on this subject, which he reports in *Division and Reunion, Epochs of American History*. He says that only one in six of the whites were slave owners, and at most one in five. That means from 80 to 85 percent of the white people were nonslave owners. Woodrow Wilson further refers to the poor whites who belonged neither to the ruling class nor the slave class but were despised by both.



Then, in reference to the tiny white population controlling southern society and, as a matter of fact, the entire Nation, he says:

The ruling class in each State was small, compact, and on the whole homogenous. It was intelligent, alert, and self-conscious. Its feeling of separateness from other sections of the country grew more and more intense . . .

In my opinion, by far the majority of white people were opposed to entering the Civil War upon any theory of either slavery or States' rights. The nonslave owners had nothing whatever to gain except to fasten upon themselves an economic system which would continue to destroy them and their white descendants.

As a result, whole regiments from Tennessee, Kentucky, Virginia, Missouri went into the Federal Army. Large groups of people from all the Southern States, even Texas and Alabama, went away to join the Federal Army.

But the slave-owning class controlled the South, just as the industrial class controlled the Union during the administrations of Coolidge, Harding, and Hoover. And so, when they forced a war and the drums began to beat, people who did not join the Army were called slackers and cowards, just as they were in the World War.

#### MEMOIRS OF MARY A. MAVERICK

I am going to read from the Memoirs of Mary A. Maverick, my grandmother:

The Civil War soon came on and Mr. Maverick and my sons did not shrink from what they conceived to be their duty. Mr. Maverick had always been a Union man in sentiment, he loved the Union of the States, and although he may have believed (before the question was settled) that we had the abstract right to withdraw from the Union, he thought the Union was sacred, and that the idea of a dissolution of the Union ought not to be harbored for a moment.

Having such ideas and convictions, he found life to be uncongenial and unpromising for him in South Carolina, where the doctrines of nullification and ultimate secession were aggressively espoused by an overwhelming majority of the ruling class. He came to Texas, but all doctrines and issues of the former time bloomed into life about him when Texas became a member of the Union.

Creeping beneath the shadow of the manifold blessings of the Union came the bitter and unceasing strife. At last he came to believe the quarrel was forced upon us, and that there was before us an irrepressible conflict which we could not escape no matter where we turned.

The secession convention of 1861 met; there was intense excitement and, need I say, deep gloom; the hour came at last when he was compelled to take his choice for or against his kith and kin. The question was no longer whether secession was right or wrong, wise or unwise; the question was now narrowed down to this, Even if you could sever your fate from that of your people, would your heart permit you to do it?

Thus it appeared to him, and he did a simple, straightforward, unselfish act, and an act which, nevertheless, gave him deep pain, when he cast his vote for secession.

When the war was ended the sentiment was unanimous in our family that all the old issues had been settled and that the result of the conflict was right.

#### IV

##### ATTITUDE OF SOUTH ON SUBJECT OF LYNCHING

*Gallup poll shows 65 percent in favor of Federal law*

The people of the South who have engaged themselves in lynchings are of such a small proportion of the population as to be not worth counting. You can go from one end of the South to the other, and even where lynching is condoned you will not find any man who is proud that he ever was in a lynching bee. As much as I have traveled over the South I have never had a man admit that he actually helped commit a crime, or conspired to take a man out of a jail and participate in a lynching. I have had a very few tell me that they happened to be near a lynching and saw it. But never have I had one man admit that he really participated in the criminal act of lynching.

The American Institute of Public Opinion, which held the polls on the Presidential election, and proved to be very accurate, recently held a poll in the South. It was shown that something like 65 percent of the people of the South favored a Federal antilynching law. This poll was of white people. The number of people in the South opposing lynching was much greater than California.

##### VIRGINIA HAS GOOD LAW AND NO LYNCHINGS FOR 10 YEARS

It is true that consideration should be given the objection to the Federal antilynching law on the basis of violating

States' rights and local self-government. Indeed, the State of Virginia has passed an antilynching bill of its own, providing for severe punishment and the use by the Governor of the power to spend money and enforce the law. As a result Virginia has not had a single lynching since the law was enacted 10 years ago.

Some of the Southern States who object to the Federal antilynching bill have done nothing to pass laws of their own. Had they done so and eliminated lynching, the Federal antilynching bill would not now be considered.

It is to be understood that the Federal antilynching bill does not set up a system of Federal officers and spies throughout the South. It merely provides that in case the law is not faithfully carried out by officers, that those officers shall either be fined or imprisoned, and that counties permitting violation of the law shall also pay fines.

##### GIVE DEATH PENALTY IN ORDERLY FASHION RATHER THAN BY SCREAMING MOB

It is also said that this will increase lynching. I do not believe it. I believe that if the Federal Government cooperates with the State government, and it is known that officers must follow the law; and if the people know that there is a certainty of prosecutions, I believe that lynchings will cease probably altogether.

There is one principal point to be understood in the lynching matter. Horrible crimes committed by persons that have been lynched are admitted. Emotional reactions of the relatives must be considered. But—and this is the point—why not penalize the person committing an offense, with the death penalty in an orderly fashion rather than have a screaming mob committing bestialities and horrible maimings?

Some say that if the courts have the matter of carrying out penalties against guilty persons, there will be prolonged hearings, mistrials, and appeals, and the defendants will not eventually suffer the penalties.

In my opinion, any Negro who is guilty of murder or rape will certainly be convicted, and certainly suffer the penalty of the law.

#### V

##### THE SOUTH TODAY

*King Cotton makes slaves of us all*

The situation of the South must be considered in relation to the economic and political background that I have here stated. At the Battle of Appomattox, when Lee surrendered to Grant, the South was broken.

Ever since then we have been starved and kicked around by the financial interests of New York, and the South has been operated as a colony, about on a basis of any other colony. Whatever wealth we had has been taken away from us.

As a result of this, we have been forced to live off of glory and magnolia blossoms. Having little economic power ourselves, we have worked harder and harder. We have worked cotton season after season, and King Cotton has just about destroyed us.

As a result—and this can be authenticated by authorities in the universities of the South—the following is the status of the South. It has—

First. The lowest soil fertility in the Nation.

Second. Lowest wages.

Third. Worst labor laws.

Fourth. Worst housing.

Fifth. Worst condition of land utilization and ownership.

These conditions are in the face of marvelous basic resources. Even our soil-fertility condition can be corrected by an intelligent plan of rehabilitation. Our job in the South is to use our resources properly.

However, the way things are now, many of our white sharecroppers are fully as bad off as the Negroes. Worse, they live no higher in their standard than did the Negro slaves before the Civil War, largely because they have no regularity of food and clothing, as the Negro slaves did who belonged to their masters.

We must also understand that numerically the white-tenant group is far more important in the South than the Negro. There are 1,200,000 of these white tenants, including sharecroppers, and only 700,000 Negro tenants. Thus we cannot



view these problems of the South purely from a racial viewpoint. It is an economic question, involving our whole society. If we improve economic standards of all the people, white or black, many other bitter problems will be solved also.

VI

THIS IS A NATION

*Minimum standards and protection for all citizens*

Mr. Chairman, as I have said in the first place, I am proud of being a southerner. I do not hope to influence anyone who is a Member of Congress, or do I have egotism or vanity enough to think that I could.

My southern colleagues are able, honorable, and conscientious men. A majority of them have served their country in Congress much longer than I have, and with great distinction. It is not easy to differ with such fine and patriotic men.

But for me, I believe the time has come for the South to break its isolation. Economically we must be an integral part of the Nation. The Democratic Party has a mission to perform and we should have unity, North, South, East, and West.

Whereas we speak of States' rights and the Constitution, we must know that the Constitution was written by the people for all the people of the United States. We want everyone to get decent treatment. We want the Negro to have economic justice just as much as we want the white man to have justice.

We need better wage scales in the South. That is good business. If we have a high purchasing power, then we can have a generally higher standard of living. Our merchants can make money. We can prosper.

If we, considering the situation of our soil and lands, take full advantage of our connection with the Nation, we can make our land the most flourishing in the entire world. From the lowest of fertility in the Nation we can rise not only to the highest in the country, but the highest in the world.

There are dozens of things more important and vital to the South than an antilynching law. For my part, I am willing to see it enacted, and I doubt if there will ever rise a necessity of prosecution. At least, if it becomes necessary it will not be over one or two times; thereafter black criminals as well as white criminals will suffer the extreme penalty through due process of law for violating the peace and dignity of our States.

Let us move forward to our serious problems of land and humanity, the conservation of our natural resources, of wages and working conditions, better business, and higher living standards for all.

Mr. GAVAGAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MERRITT].

Mr. MERRITT. Mr. Chairman, I have listened with a great deal of interest to the arguments, both pro and con, on this bill. Like most propositions that come before us, it does not present a question where all the right is on one side and all the wrong on the other. No one has taken the floor and stated that he was in favor of lynching. On the contrary, every speaker without exception has denounced and deplored the rule of the mob.

The argument against the passage of this measure is that it is unconstitutional. I make no pretense at being an expert on the Constitution, but I am of the opinion that it is a fair statement to both sides to say that the unconstitutionality of the measure is debatable. No man, whether he poses as a constitutional expert or not, can state with certainty that the measure is or is not constitutional. The best that he can do is state his belief and opinion. Cases have been cited to support both sides. When I am confronted by a question of constitutionality such as this bill presents, I am content to let the Supreme Court decide whether it is or is not constitutional. Whenever I favor a legislative measure about which there is a constitutional doubt I wish, of course, to resolve that doubt in favor of its constitutionality and let the Supreme Court have the last word on it. The argument of its unconstitutionality, therefore, does not deter me from voting for it.

To my mind, a much more impressive argument advanced by the opponents of this bill is that the question of lynch-

ing is a local one and presents a problem for local authorities who are on the ground floor, who have to live with it, and who, therefore, ought to be more vitally interested in its solution than anyone else.

A careful reading of this bill, however, discloses that it does not interfere with the local authorities dealing with the situation but by its provisions sets a time limit of 30 days in which the State and local government has free and unrestrained authority to take action. If a State does take action within 30 days on a situation which calls for action, it will not be affected by the provision of this bill. If it fails to take action within 30 days, then I do not see how it or its representatives can complain if the National Government steps in and puts into effect the age-old American idea of law and order so that the stigma of lynching may be a thing of the past, no longer staining the name of American justice. That the fear of prompt national action will act as a deterrent to lynching is my honest belief because men who take part in mob action are without moral courage. [Applause.]

Mr. GAVAGAN. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. TOWEY].

Mr. TOWEY. Mr. Chairman and ladies and gentlemen of the Committee, I have listened with intense interest to the debate upon this antilynching bill, both in committee and on the floor of the House, and I have reached the conclusion that there is not a man or a woman in this House who in their hearts are not bitterly opposed to this tragic and indefensible crime against human life and against the due processes of orderly government.

When I raise my voice today in favor of this bill I speak not my thoughts as an individual, but I believe I express the sentiments of the entire people in my State when I say that the crime of lynching has disgraced America long enough, and if States and other governmental bodies involved cannot and will not stop lynching, then the aroused public sentiment of the entire Nation must stop it.

Throughout the debate much has been said about the lack of merit of this bill, but if it lacks all other merits it has this merit, that when the law-enforcement authorities fail to perform their duties and hand over a man presumably innocent in the eyes of the law to a riotous mob, then, unless the State takes the necessary action to punish the perpetrators of the crime, a Federal offense is committed, and there is brought into play the great power of public opinion which will be added to that campaign of education which those in opposition to the bill say is the proper solution of the problem.

This bill is not directed against the good people of the South, but is directed only against the lawless elements which are not solely found in the South, but in all sections of our land, and the purpose of the bill operates wherever there may be committed the crime of lynching and remains unpunished.

This bill, contrary to some opinions expressed here on the floor, does not deprive the States of their rights. It is only when the States fail to carry out the orderly processes of government that the act becomes operative, and only after a finding of fact by a Federal judge sitting in a Federal court, that the State has been negligent and neglectful of its duties.

We have had a terrible example of the crime of lynching within the last 48 hours in a State of our Nation. The officer in charge says he does not recognize the perpetrators of the crime. It seems rather strange to most of us that in small communities, where these lynchings usually occur, where everybody knows everybody else, that the perpetrators of the crime are never known and that they go unpunished.

It is the belief of the proponents of this bill that if the perpetrators of these crimes were brought to justice and made pay the penalty for their inhuman and unholy acts, that legislation of this character would be unnecessary and there would be no lynching. It is the failure of the States to take action when crimes of this character occur that renders legislation on the part of the Federal Government necessary.



The entire Nation now looks to Mississippi to see if these murderers who committed this brutal lynching will be brought to the bar of justice. The action taken by the State officials in this case will prove a real answer to the necessity for this legislation.

I believe this bill deserves the support of all who believe in the due processes of law and order and in the sanctity of human life, and I shall vote for it based upon these considerations.

I yield back the balance of my time.

Mr. GAVAGAN. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. MITCHELL].

Mr. MITCHELL of Illinois. Mr. Chairman, we are discussing what is to my mind the most important piece of legislation insofar as the Negroes of the United States are concerned that has been brought before this House during the Seventy-fifth Congress. Many things have been said in the debate, which I am inclined to believe were said either for political purposes or in the heat of argument. This is the first voice that has been raised by that group of people who have suffered most, of course, from mob violence. You have been told of the large number of people who were mobbed in this country. You have been told the number is more than 5,000. We have been asked to be absolutely truthful in all of our assertions, and I shall endeavor to be.

Mr. Chairman, there is not any danger in this country that so terrorizes the Negro and hinders him along all lines of development as this accursed thing we are talking about this afternoon. Think of what happened in Mississippi only 24 or 48 hours ago. Men who had been convicted of no crime, men who had pleaded that they were not guilty, not only was the law taken out of the officials' hands, but the officers of the law said the mob was orderly and they proceeded to let them take from them those prisoners and snuff out their lives in the most horrible manner that could be conceived by human beings.

Now, what is the purpose of government except to protect the lives of the individuals of that government? What was the fourteenth amendment of the Constitution written into the Constitution for, except for the purpose of protecting the lives of the newly emancipated slaves? I know what you have done with it. You have taken it and have construed it as protection for corporations and corporate interests in this country. That is to the credit of my Republican friends. It was never intended that the fourteenth amendment should do otherwise than protect human life. I ask again, if it is not the purpose of government to protect the lives of the people of the government, then what right has it to exist?

There are Negroes in all of the northern cities who would like to live in my beloved southland. They have left, as I said in my speech last Monday, quoting the words of Booker Washington, because their lives were in jeopardy; not only by this accursed lawlessness that we are talking about by which lives are snuffed out, but if they take the lives of those people does it not follow that in much greater degree they will take the property of those people? And they cannot be heard in many instances in their own defense.

Now, this is the voice of one not who belongs to the race that has constituted the mob but this is the voice of one who is representing that race that has suffered most at the hands of the mobs.

I have had my own experience. I shall never forget many years ago when I was a boy, Booker Washington, that great man whom we honored the other day, was invited to this city and dined with the President of the United States. When he returned to Tuskegee there was grave danger of him being mobbed. He had committed no crime. He was not even charged with having committed a crime, but because he was recognized by Theodore Roosevelt and was invited to the White House for a luncheon, when he returned to the South I shall never forget it was my duty to stand all night long with a rifle in my hand to protect the property of that institution and protect the life of that great man.

I am not charging the South with being any more lawless than some other sections of the country. You cannot find an instance where more brutality was resorted to than in

Coatesville, Pa. I have here the sworn record. I have here a speech made by Theodore Roosevelt on that subject, that terrible crime that was committed by the State of Pennsylvania.

We are also thinking of what happened in California only 2 or 3 years ago when the Governor stood by and said:

It is the proper thing to do to lynch them for certain crimes, if you care to do it, and I am thinking seriously of paroling or pardoning certain other criminals and turning them over to the mob to be lynched.

It was then that our present President spoke out and said:

This is collective murder, and it is not to be condoned by those in high or low positions.

I say to you, Mr. Chairman, that this does not seek to infringe upon the right of any State.

First of all, as individuals and as citizens of the United States we have a right to live in peace, in harmony, and in prosperity along with the other citizens.

I want to discuss just one other thought that has been offered here on this floor, and I am not challenging the thought, but I want to bring to your minds something that should go along with it. We have been told by my friends from the South—and I am from the South; I come from Alabama, and I make no apology for it—but we have been told that our best friends are in the South. That may be true; I am not disputing that, but I want to say to you people that the best friend the white man has is the Negro, the best friend that the American Government has is the Negro. We have never raised our voices and our hands to strike down an Executive of this Nation. We have never planted bombs in various places because we disagreed with certain theories. We have taken all that you have done to us. You have shortened our school terms and discriminated against us in a thousand other ways, but we have remained loyal. You say you are our friends. Then why not give us an equal opportunity along with you and let us develop our children the same as you do yours? This would prove your assertion of friendship. [Applause.]

My friends, it is upon the shoulders of this Congress to say to the 14,000,000 Negroes, at least 13,000,000 of whom are always in deadly fear that they will be attacked, to say to them that you are going to assure us the protection that the Constitution provides that every citizen shall enjoy. And I say to you in closing my remarks that I am speaking as one who has had some experience with the mob. I recall not so many years ago when I lived in the South and was president of an agricultural school. I was often referred to, as you heard my distinguished colleague the gentleman from Texas [Mr. SUMNERS] refer to me today, as being one of the leading citizens of my community, but do you know a bloodthirsty mob formed on one occasion and marched within 3 miles of my school for the purpose of snuffing out my life. I had not been charged with any crime. The only thing I had done was to stop payment on a \$20 check that a fellow had secured from me by false representation. Because I would not pay the check this mob formed and marched within 3 miles of my school. I shall never forget how I stood with a Winchester rifle in my hand, how my wife stood with a pistol in her hand, waiting all night long for this mob to show up and to snuff out our lives. I did not have to commit crime to be the subject of one of these lawless mobs.

They talk about the constitutionality of the bill. It is perfectly constitutional to protect the migratory birds. It is all right and perfectly constitutional for us to go into these States and run down blind tigers. I shall never forget the other day when we had our hearing and the chairman of the Judiciary Committee was speaking on friendly terms to one of the men who had testified and said: "I hope we can do something for you."

The man replied, "Yes; I hope you will do at least as much for me as you do for the bootleggers and those who engage in the illicit manufacture of liquor."

Mr. Chairman, this legislation is constitutional. We have the right to protection. We have stood by the Government. We are going to continue to stand by the Government. I am going to vote for this bill, and I will vote for any bill



that will safeguard the rights of individuals to enjoy their privileges as American citizens and protect their lives. I hope this bill will be passed overwhelmingly; and I say to you that you can do nothing that will encourage this 15,000,000 people, who are subject to mob attack, which would mean half as much as the passage of this bill. The best thing you can do to encourage them in their honest struggles to be citizens, and to be useful citizens, is to pass this piece of legislation as it has been presented to us. [Applause.]

Mr. CHAIRMAN, I yield back the balance of my time.

Mr. GAVAGAN. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. KENNEY].

The CHAIRMAN (Mr. SHANLEY). The gentleman from New Jersey is recognized for 4 minutes.

Mr. KENNEY. Mr. Chairman, I am in favor of this bill and want to expend every effort on behalf of the legislation, because I regard it as a great measure in defense of human rights. And the question of human rights raised here is that of the selfsame human rights guaranteed by the Constitution of the United States to every man and woman of whatever race, color, or creed.

The Gavagan bill, which has public sentiment behind it, will safeguard and make more secure our constitutional rights. It serves notice on the country that no group or mob can defiantly break into jail and take a person in custody out of the hands of the law and inflict upon him injury or death, without grave responsibility resting upon the jailer and the community.

I feel this bill is necessary. I am going to vote for it believing it is necessary. It is necessary to bring about a different code of honor. The gentleman from New York [Mr. WADSWORTH] hit the chord, in my opinion, when he said that the greatest deterrent to lynching would be education, enlightenment, and understanding. This bill, being a drastic bill, will make for all of that. Without it we shall not have the enlightenment and understanding to wipe out the crime of lynching. Every sheriff down South after the passage of this bill will undertake to educate his people to know what it means to break into jail and take a man out of the custody of the sheriff, the marshal, or other custodian. Other officials will impress upon the people of their counties that prisoners cannot with impunity be taken away by the mob and put to death by mob rule.

Oh, I know that when an atrocious crime is committed the usual reaction is to take the law into one's own hands, but education will take care of it. When people come to understand their honor is avenged by delivery to the law-enforcement officers, the desire to lynch will disappear. We had duelling in this country. Our code of honor changed in that regard. It passed away. We had feuds in this country. They have disappeared, the last ending only the other day after 100 years when a new understanding appeared on the horizon of the parties involved. Lynching will go with the coming of new viewpoints. The bill under debate will impress upon the country the desirability of compliance with law and order. Let the States pass drastic laws to punish atrocious crimes. But let all obey the fundamental law of the country—our Constitution.

Now, it is my sincere hope that this bill, when enacted into law, will never be applied. May all of our people come to a better understanding of the value of human rights. No innocent man should be put to death at the hands of the mob, and no man should be deprived of his constitutional right to be tried by due process of law. The passage of this bill will make people think and arrive at a different understanding which will forever blot out lynching.

Finally, the bill is, in my judgment, constitutional. It does not interfere with any of the rights of the States. On the contrary, I regard it as necessary in order to uphold the law and rights of the States. Only when the authority of the State breaks down does the Federal Government come in under the bill. The Supreme Court of the United States to preserve the constitutional rights of persons charged with crime, has more than once extended its arm to uphold the guaranties set forth in fifth and fourteenth amendments of the United States Constitution, where these have been threatened by the States. Only the other day Mr. Chief Justice

Hughes, in the outstanding case of the National Labor Relations Board against the Jones & Laughlin Steel Corporation, stated that the Court could impose a sanction for the enforcement of a judicial decree. And in the opinion in that case it was further said Congress could also impose a sanction adding that the fact that in one case it was a judicial sanction and in the other a legislative one, was not an essential difference in determining its propriety. In the crime of lynching very often more than one State is involved. There may be a conspiracy in one State, the person lynched may be seized in another, and the actual lynching may take place in a third State. The bill is necessary to reach those guilty of lynching. This bill has for its purpose the preservation of the fundamental rights guaranteed by our Constitution, that no man shall be deprived of his life without due process of law and shall be afforded the equal protection of the laws. These rights have been lost to some and as long as there is any probability of lynching in the future this bill is necessary and ought to be passed by the Congress. [Applause.]

Mr. GAVAGAN. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. HIGGINS] such time as he may require.

Mr. HIGGINS. Mr. Chairman, I am pleased at the opportunity afforded me to say a few words in behalf of the passage of the Gavagan antilynching bill now before the House for consideration. May I take this opportunity to say that the colored people of America should be everlastingly indebted to that able and courageous Representative from New York, the Honorable JOSEPH A. GAVAGAN, and to his aide in sponsoring this legislation, the capable and tireless Representative from Illinois, the Honorable RAYMOND S. McKEOUGH. Both men have worked untiringly to bring this matter before the House for consideration, and I am confidently sure that the great colored population of this country will always hold in high regard these two men who, above all others, are more responsible for the passage of this legislation than any other men in Congress.

The primary objective of this legislation is to put a stop to the seemingly endless series of mob murders which have disgraced America before the world. The problem is a national one and calls for action by Congress, for the reason that in certain sections of our country State and local authorities have little or no regard for the spiritual law, not to mention the State laws, as far as permitting lynchings to go unpunished. The Gavagan-McKeough bill has the necessary teeth in it to change completely the un-American practice of lynching that is, in fact, looked upon as law in many of the Southern States in this country. It is the duty of the Federal Government to assure its citizens of orderly and legal procedure before constituted authorities in such criminal cases. When States and their officials have been derelict in this duty, then the Federal Government must intervene to correct the situation and restore the orderly process of law which guarantees equal protection before the law to all men. The best evidence at hand to demonstrate the fallacy of the argument that the respective States do not permit lynchings is the fact that thousands of men and women, white and black, have been lynched during the past generation and no punishment was inflicted upon more than 99 percent guilty of lynching by State authorities.

The question of the constitutionality of any antilynching legislation may arise in days to come, but it seems to me that the fourteenth amendment of the Constitution, providing, as it does, that no State—

Shall deny to any person within its jurisdiction the equal protection of the law \* \* \* and Congress shall have power to enforce by appropriate legislation the provisions of this article—establishes the fact that it is the duty of the Congress, under the Constitution, to enact such laws as may be needful to assure that no State shall deny to any person within its jurisdiction the equal protection of the laws. The Supreme Court in several opinions has given its interpretation of the equal-protection clause of the Constitution. The matter has become one of great national concern. The President of the United States has taken occasion to denounce this vile form of collective murder and set forth that we cannot



and do not excuse those in high or low places who condone the lynch law.

Let us, through the passage of the Gavagan-McKeough bill, eradicate from American life the vicious and un-American system of lynching, incidents of which have been a blot upon the pages of our history. [Applause.]

Mr. GAVAGAN. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. GRAY].

Mr. GRAY of Indiana. Mr. Chairman, I thank the gentleman for the opportunity to speak, and yield back the balance of my time.

Mr. GAVAGAN. Mr. Chairman, I yield the time remaining to the gentleman from Illinois [Mr. McKEOUGH].

Mr. McKEOUGH. Mr. Chairman, I know of no occasion on which I could better defend my appearance before the membership of this body than an occasion such as this, when the personnel of the Congress is asked to consider one of the most humane requirements with relation to legislation that has come before the Congresses of this, our common country, in many, many years. I presume that if an explanation be necessary for my taking the time of those who comprise this great body to discuss a matter such as this, it is most naturally explained by reason of the fact that I come from a people who, next to their love of God, love liberty and justice to the extent that they are so well known in that respect that no further statement from me is required. I am Irish, and because I am, not only do I love my God but likewise I love liberty and I love justice. There is no threat incident to my position with relation to this antilynching legislation. I support it because I believe in law and order.

I do not know how anyone under the guise of constitutional objection or otherwise might appear on the floor of Congress to oppose the enactment of an antilynching law. It is beyond my power of comprehension that any man or any woman from any State in this glorious Union of ours would ever rise to speak in opposition to the enactment of a law that requires in its application the very fundamental of government that we give virile life to that declaration of Thomas Jefferson that all men are created equal. The founders of this Government breathed the soul of that understanding into the Constitution of our Nation when they met in Philadelphia and adopted what has proved to be the greatest instrument of liberty in all the history of the world. Yea! I say to you, if this law be not constitutional, then we make a mockery of the Declaration of Independence; we nullify all that we love in the Constitution. Ah! but more than that; we destroy all that is symbolized in the glorious flag of our country, which appeared on the battlefields of Europe in the recent World War to guarantee that people might have justice and live under whatever kind of government they desired. The late Woodrow Wilson, our glorious war President, prompted the declaration of war that we might protect life on the high seas of the world.

Despite this, we find in the Congress of our country men who have secured for themselves the great reputation as statesmen who are taking the position today that if this law is enacted we destroy the sacred principle of States' rights. I yield to none in my affection for the principle of States' rights; no, I yield to none on that principle but believe the principle of States' rights is not involved in this law. We protect that principle when we declare, as proposed in this bill, that where the local officers of the States fail in their duty, the strong arm of the Federal Government then moves in. Who among you can attack the philosophy of this kind of a democratic government? I know none who successfully can.

I understand, I believe, as fully as anyone who has been denied a training in the law what the Constitution of our country represents; and happily, I might add, in no way attempting to become facetious, I am not handicapped by preconceived conclusions as I consider this measure which, it appears, the rigidity of thought due to training in the law imposes.

All who opposed the enactment of this legislation today talked of the unconstitutionality of the Gavagan antilynching bill. They cite opinions of the Supreme Court to sus-

tain this contention; but, strangely, I note carved in the marble over the entrance to the Supreme Court the following words: "Equal justice under law." This is all that the Gavagan bill seeks to secure, and it is therefore difficult to understand why there should be such vigorous opposition to its enactment. May I say at this time that it was a pleasure for me to have cooperated with my warm personal friend, the distinguished gentleman from New York [Mr. GAVAGAN], the sponsor of this measure, as well as with the distinguished Member from Massachusetts [Mr. MARTIN], in helping to secure the necessary 218 signatures on the discharge petition and thus insure consideration of this fundamentally important legislation by the present Congress.

Those of the opposition should have no quarrel with any of us who support this measure, because, as I have previously said, we have taken the position that we have given the local officers of the States 30 days within which to function in the interest of law and order before the Federal Government intervenes.

I was somewhat amused by the remarks of the learned gentleman, well schooled in the law, always looked upon as a constitutional authority, the distinguished chairman of the Judiciary Committee, who referred, in passing, to the fact that this is an exposition of the great concentration of government in a central, Federal body, and the gentleman referred to the racketeers and the gangsters of the large cosmopolitan cities of our country. I come from Chicago, and I make no apology for the splendid record of law and order that is maintained by this great city of my birth.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. McKEOUGH. I am sorry; I have not the time.

I say to those who seek to include racketeers and gangsters in this proposed legislation that under the Federal law which provided for an income tax, there were sent to Federal prisons from Chicago, as well as from other large, cosmopolitan cities, by the Federal Government, many racketeers and gangsters who had received large profits during the days of prohibition, and there was no complaint made by local officers of the various States. And, incidentally, what group in the Congress was it, among those representing the various sections of the country, that was most responsible for the enactment of prohibition which made a farce of the fundamental rights of the people in our democracy by denying to our people for all too long a period of time the right to drink the beverages of their choice.

Who were in the solid block that voted in this House for prohibition? It was not those who represented Chicago, or those who represented New York City. No; it was those from the section of our country who now protest the enactment of antilynching legislation on the basis it is unconstitutional. Was there any place in our great country where there was a clearer demarcation of the line of support for prohibition than in the Southland? Now, they talk about the Constitution, when all that those who seek to pass this bill desire is that the Federal Government may move in when the local officer moves out, or fails to move at all, and say to those we are required to protect, "We give you the strong arm of the Federal Government that you may be secure in your God-given rights."

Unhappily leaders of mobs cannot be prosecuted by the Federal Government under the Federal income-tax laws in that the only profit such un-American procedure develops is the added shame that rightfully belongs to those who lead and participate in such unlawful actions. Shame, I regret to add, is not considered profitable.

I say, in conclusion, Mr. Chairman, when the roll is called I accept the challenge of the chairman of the Judiciary Committee. I am willing to meet the issue as man to man, and when the names are called, while I know it is dangerous to be a prophet, I prophesy to the great glory of this Government and to the great honor of those who will vote in the affirmative, that, roughly, 275 votes will go out to the country as an indication that the Seventy-fifth Congress, as made up in the House of Representatives, is the answer to that challenge, and will show that we love democracy and that we will protect every man, woman, and



child, regardless of his creed or his color, by passing this antilynching legislation. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc.,* That for the purposes of this act the phrase "mob or riotous assemblage", when used in this act, shall mean an assemblage composed of three or more persons acting in concert without authority of law to kill or injure any person in the custody of any peace officer with the purpose or consequence of depriving such person of due process of law or the equal protection of the laws.

Mr. COLMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLMER: On page 1, strike out all of lines 3 to 9, inclusive, and insert in lieu thereof the following: "That for the purpose of this act the phrase 'mob or riotous assemblage' when used in this act shall mean an assemblage composed of two or more persons acting in concert without authority of law to kill, injure, or kidnap any person with the purpose or consequence of depriving such person of due process of law and the equal protection of the law."

Mr. GAVAGAN. Mr. Chairman, I make the point of order against the amendment that it is not germane to the bill, and I wish to be heard on the point of order.

Mr. COLMER. Will the gentleman reserve his point of order?

Mr. GAVAGAN. I am sorry, but I must refuse to reserve the point.

Mr. Chairman, in spite of the sophistries uttered in the attack on this bill as represented by the argument of the gentleman from New York [Mr. WADSWORTH], this bill provides for the taking of a prisoner from the possession or authority of a duly constituted peace officer by a mob of three or more persons for the purpose of inflicting bodily injury or death upon the prisoner, and not until these three conditions exist does this bill become operative. The gentleman's amendment refers to the crime of kidnaping, entirely different from the crime we are attempting to legislate in this bill. The crime of kidnaping is already provided for by Federal statute, its detection, prevention, and punishment. Clearly, Mr. Chairman, within the rules of the House the amendment is not germane to the bill.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLMER. I do not desire to be heard upon the point of order.

The CHAIRMAN. The Chair is prepared to rule. The gentleman from Mississippi offers an amendment to the first section of the bill to include kidnaping in addition to the crime of lynching, but in addition thereto the gentleman, by his amendment, strikes out the words in line 7 "in the custody of any peace officer." The gentleman's amendment would extend the class to which this bill applies to kidnaping. The addition of kidnaping might not be objectionable, but this bill applies to the death or injury of persons "in the custody of a peace officer", while the proposed amendment takes those words, quoted, out of the bill. The Chair does not think the amendment is germane, and sustains the point of order.

Mr. COLMER. Mr. Chairman, I offer the following amendment, which I send to the desk:

The Clerk read as follows:

Amendment by Mr. COLMER: Page 1, line 5, strike out the word "three" and insert in lieu thereof the word "two", and in line 7, strike out the words "in the custody of any peace officer."

Mr. GAVAGAN. Mr. Chairman, I make the same point of order to that.

The CHAIRMAN. The Chair is prepared to rule. The ruling of the Chair just made on the previous amendment offered by the gentleman from Mississippi will apply to this amendment, as to the second provision in the amendment striking out the language of the bill "in the custody of any peace officer." The Chair therefore sustains the point of order.

Mr. COLMER. Mr. Chairman, I move to strike out the last word. I had hoped, in view of the discussion that was

had here the other day between the gentleman from New York [Mr. FISH] and myself on the question of gang murders, that the point of order would not be made against this amendment. Of course, I shall not challenge the ruling of the Chair; that is water over the mill, but I did want an opportunity for this House to vote upon the question as to whether or not it is just as unlawful to commit murder, whether it be in the South, the North, the East, or the West, by a gang or any other lawless mob. There was a lynching in my State since this bill began to be considered. I am just as sorry for that, and I deplore it just as deeply, as any of you so-called defenders of the colored people's rights. I am sure that I deplore that just as deeply as does the distinguished gentleman from New York, who is advocating this monstrosity, must have resented and deplored the gang murders that have gone on in his great city of New York.

Mr. GAVAGAN. Mr. Chairman, I make the point of order that the gentleman is not in order.

The CHAIRMAN. The gentleman from Mississippi will proceed in order.

Mr. COLMER. Mr. Chairman, murder is murder wherever it occurs and under whatever conditions it is engineered. We do not want lynching any more than I take it the gentleman from New York wants gang murders, but they are all on a parity, and if it is constitutional for the American Congress to legislate in the one field, then it ought to be just as constitutional for it to legislate in the other. I say, as one who served as prosecuting attorney for 13 years in my State and who has had this problem to deal with first-hand, that in this idle gesture that you are making you are going to do the cause of the prevention of lynching more harm than has ever been done it before. I say to you, as one who personally went out and prevented mob violence on one occasion as a district attorney, that you, by this idle—and I hate to say—political gesture—and I will not say it—are going to put these people whom you say you are defending in a most unsatisfactory and uncertain position. As has already been pointed out on the floor of the House today, you are going to place these officers of the law in a position where they will be afraid to take these men charged with these atrocious crimes into their custody so that they will not have to be met with the proposition enacted in this law. I am no constitutional lawyer. I am not even as fair a lawyer as the gentleman from New York [Mr. GAVAGAN] said I was when he was here the other day. Certainly I do not put myself in the class of the Father of his Country, George Washington, nor with that great statesman, Thomas Jefferson, and my respect for the Deity would refrain from making any further comparison, such as was made here the other day. [Applause.]

Mr. Chairman, the following table furnished me by the Library of Congress shows the crime conditions with reference to homicide in the city of New York, the home of Mr. GAVAGAN. This table shows that murder in this city is appalling compared with the negligible lynching in the country. My amendment would give the gentleman a dose of his own medicine by placing gang murders in the same category with lynching.

New York City, period 1930-35

Year	Homicides	Arrests	Convictions	Discharged or acquitted
1935.....	427	383	66	-----
1934.....	426	351	360	83
1933.....	524	420	428	74
1932.....	565	449	461	100
1931.....	569	433	444	110
1930.....	498	377	387	61

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. McCLELLAN. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman is recognized for 5 minutes.



Mr. McCLELLAN. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for 5 additional minutes. Is there objection?

Mr. GAVAGAN. Mr. Chairman, I dislike to object, but we want to finish this bill tonight. The House is going to adjourn over until Monday and we want to finish tonight, so, sorry as I am, I must object.

The CHAIRMAN. Objection is heard. The gentleman is recognized for 5 minutes.

Mr. McCLELLAN. Mr. Chairman, it is not with any hope that I can stay the hand that is raised to strike this blow that I arise to speak in opposition to this measure having for its purpose and the practical effects of which will be to open old wounds and attempt to heap scorn and derision on one part of the country to the pleasure and elation of another section.

I cannot stop you who are determined to force this bill through. You have the strength to do it, but you do not have the right—neither the moral nor legal right—and I would be lacking in courage and shirking the discharge of my duty were I to remain silent and fail to lift my voice in protest and sound a warning—a warning which you may refuse to hear now, but the echo of which sooner or later will resound with such forces as will not only open your ears and cause you to hear but will jar your vision to a realization of the error you are committing today.

Let us strip this thing of its sham and pretense. No one is deceived. You parade under the guise of wanting to blot out crime. That is the excuse you offer for sponsoring this bill, but the veil you wear is so transparent that your real purpose is revealed rather than concealed. You primarily desire to rebuke, embarrass, and humiliate the Southland, and at the same stroke, for political purposes, make a gesture calculated to win political support from the Negro race. Thus motivated you proceed in the name of human rights and liberty, as you claim, and some of you, particularly the gentleman from New York [Mr. Fish], have gone so far as to say that on this issue human rights rise above the Constitution. May I remind you that those of you who take that position and share that view are resorting to the same argument in support of this bill that the mobster would offer in support of the excuse or alibi he makes for the lynching he has committed. You say you want to or are willing to go beyond the limitations of the Federal Constitution and exercise a power you do not have under its provisions in your zeal to punish and seek retribution from those who may commit a certain type of reprehensible crime. The mobster, using the same logic and reasoning you are employing, says he has ignored the law and the Constitution because the process and results of the law are too slow and uncertain, and because he wants to uphold the honor and defend the virtue of womanhood.

No one has seriously contended this measure is constitutional. It is not expected that any impartial court will hold it to be. It must ultimately be conceded that you have no legal right to pass this law and hurl this slur and insult into the face of the Southern States.

There is no need for it. If there was ever an occasion and condition that would have justified Federal intrusion on the rights of States by legislation of this character that time has passed because the undisputed record contained in the minority report of the committee on this bill shows the crime of lynching was committed only eight or nine times last year—1936—throughout the whole United States, with a population of nearly 130,000,000, whereas in the decade from 1904 to 1914, with a population of 90,000,000, there was an average of 69 lynchings per year. The record, therefore, reveals in 22 years a decrease in total number of lynchings of over 800 percent, with an increase of 44 percent in our population. This showing and progress warrant and justify the statement that if permitted to continue without the unlawful interference you propose by the enactment of this law, within another 10 years the crime would seldom, if ever, occur. By the general enlightenment of the people and an increasing vigilance on the part of law-enforcement officers, we are swiftly and surely banishing this evil from our midst. This

law you want to pass will only serve to arouse resentment and produce an agitation that may rise in intensity to the extent that it will defeat the very objectives you seek. The result will be that you are prolonging this evil, retarding its removal, and with this slur seriously handicapping the fine womanhood and manhood of the South, who know their problems better than you and who are far more capable of applying an effective remedy. [Applause.]

This law is not going to stop lynching; neither is it going to promote law enforcement. In the first place, in your eagerness and haste to sting, you have so loosely drafted this bill that there are thousands of justices of the peace in the South who never saw but one law book—the statutes of their State—who are possessed of sufficient judicial intelligence to know how the penalties of this law may be evaded. Again, when you undertake to enforce the provisions of this law by trying the cases in the Federal courts, do you not realize that you must appeal to jurors composed of citizens whom you now seek to condemn? You say they are unwilling to enforce the law against murderous lynching; do you expect by the passage of this bill to stimulate their desire for law enforcement? If, serving as jurors, they would acquit the lynchers under the State law, I can see no justification for the hope that as jurors they would convict for the same offense under a Federal statute.

Again I assert you have no moral right to pass this law. Murder is a crime, whether produced below the Mason and Dixon's line by a rope or torch in the hands of a mob, or by machine guns or sawed-off shotguns in the hands of gangsters on the avenues of Chicago and New York.

It has been wisely said that charity should begin at home. With equal truth and emphasis we may declare that reform should first be accomplished by those who advocate it. I remind the sponsors of this bill that you have not met this challenge and have already failed to conform to one of the long-established principles and maxims of equity by not coming with clean hands. You are straining at a gnat while you swallow a camel. [Applause.] When you left New York on this so-called humanitarian mission to stamp out crime in the South, you left the land where the harvest is great and the laborers are few, and journeyed to fields where the grain has already been gathered. You propose to come into the South with your insulting intrusion to remove the stain of a few drops of blood here and there while you wade through pools of blood from the bodies of murder victims in your own streets and within the confines of your own premises. [Applause.] When you have mopped from the sidewalks of New York the blood of innocent children who, while at play, were shot down like rats by gangsters, when you show us that you can keep crime from thriving and operating practically at will in your own bailiwick, when you have squelched the stench of the corruption in which you wallow in the largest and, as you would proclaim, the most civilized city in the world, then, but not until then, are we in the South ready or willing to concede that your standard of morals, of virtue, of citizenship, of society, and respect and obedience to law are superior to ours. He who in moments of weakness may yield to impulses and temptation, cannot safely follow an habitual drunkard who preaches without practicing reform. [Applause.]

The efforts of some of you from New York City to lead this great reform movement and in your denouncements against this crime remind me very much of the Negro boy who was so black that all of his white friends called him "Midnight." He was not resentful of the white man's thus referring to his color and black features, but a yellow Negro, thinking to emphasize the distinction between their colors, hollered across the street to him, "Hello, thar, Midnight", and the black boy replied, "Shut up; you is about a quarter to 12 yourself", so if the lynching pot is black in the South, the gangsters kettle in New York is blacker.

I should like to direct your attention and invite you to read the parable spoken by our Lord, to His disciples and the multitudes assembled, more than 1,900 years ago when He walked with them here on earth and when He said:

Can the blind lead the blind? Shall they not both fall into the ditch?



And why beholdest thou the mote that is in thy brother's eye but perceivest not the beam that is in thine own eye?

Why dost thou say to thy brother, "Brother, let me pull out the mote that is in thine eye", when thou thyself beholdest not the beam that is in thine own eye?

Thou hypocrite, cast out first the beam out of thine own eye, and then shall thou see clearly to pull out the mote that is in thy brother's eye.

Paraphrasing the language and admonition of the Savior in the parable just quoted, I say to you who are sponsoring this bill and making this hypocritical gesture to the gullible who sit in the grandstand ready to applaud, solve your own crime problems before you undertake to perform an illegal, major operation on ours, without our consent and over our protest. You will do well to apply your energies and devote your talents to silencing the ring of machine-gun fire from organized gangs thriving on corrupt political protection in the city of New York, and if you will learn how to protect your innocent citizenship on your own avenues, you can honorably wear the crown of glory you strive to place on your brow. [Applause.]

The same form of hypocrisy denounced by our Lord in this parable parades on the floor of this House today, robed in a false claim of being the protector and promoter of great humanitarian rights, and in your desire and anxiety to cast a slur and heap scorn and ridicule on your southern neighbor by the enactment of this law in flagrant violation of the Constitution you have sworn to uphold, you bring down on your own heads the righteous condemnation of all who are willing to look beyond the screen of pretense you have attempted to set up as a shield to hide the diabolical purposes you propose to accomplish.

If left alone, the South will blot out forever this evil about which you complain. The strides that have been made in this direction are more than reassuring and point with certainty to this end, but we of the South deny that the city of New York has the superior enlightenment, wisdom, and moral integrity to show us the way. [Applause.]

Mr. TERRY. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended 3 minutes.

Mr. McKEOUGH. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I move to strike out the last five words.

Mr. Chairman, we were very much interested this afternoon in the chart that was presented by the chairman of our committee showing a very decided reduction in the number of lynchings, particularly in the part of the country whence he comes. That is very creditable indeed. It is very praiseworthy, and the public in those communities is entitled to our congratulations; but, on the other hand, let me ask these gentlemen from those States, What have you done to punish those who participated in those eight lynchings? What will be done with reference to the punishment that should be meted out, undoubtedly, to those who perpetrated that dastardly crime in one of the States in the South yesterday? That is a very pertinent question.

Mr. KITCHENS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Not just now.

There were eight too many lynchings last and three too many this year. The lynching yesterday was terrible and gruesome and unspeakable—too horrible to relate. I shall not detail at this time the awful scene.

Mr. COLMER. Mr. Chairman, will the gentleman yield to me right there?

Mr. CELLER. No. The gentlemen from your State and elsewhere, I know, mean to do right. Your communities, however, are to blame. But we cannot close our eyes to certain facts which are as clear as day.

Mr. COLMER. I understood that the gentleman asked a question. I just wanted to answer him. I will be very brief.

Mr. CELLER. I yield.

Mr. COLMER. Much has been said about this unfortunate lynching in Mississippi 2 days ago, but nothing has been said about the fact that in my State, Mississippi, a white man now is awaiting death by the noose because, peculiar though it may seem, of the torch murder of 2 Negroes.

Mr. CELLER. I am very happy to hear that. There would be no need for the legislation if lynchers were pun-

ished. But I ask, Why is it that in the gentleman's State and other States—why is it that, despite what the gentleman says, there can be the horrible spectacle that was witnessed in the State of Mississippi day before yesterday?

Mr. COLMER. What about the horrible crimes committed in New York?

Mr. CELLER. We have crimes in New York. We arrest the culprits. They must stand trial. Our city's populace loathe these criminals. They get no comfort from our people. Our people do not applaud or participate in these murders. We at least try to bring the perpetrators to justice. What prosecutions are going to eventuate in the gentleman's State of Mississippi? A Federal judge, George C. Holt, in 1911 stated that there were over 300,000 lynchers in the country that have gone afoul of the law and nothing has been done by way of meting out punishment to them. Since 1911 how many more are there? There is all manner and kind of subterfuge, there is all manner and kind of evasion, when it comes to judgment that should be placed upon those culprits, upon those who run afoul of your murder statutes. Certainly it does not lie in the mouth of anyone to proclaim this decrease in lynching and, on the other hand, say nothing about the perpetrators of the eight lynchings last year or the three lynchings up to date this year. When it comes to the question of decrease, what about the narrowly averted lynchings? The National Association for the Advancement of Colored People tell that in 1935 there were 102 cases of narrowly averted lynchings. Apparently mobs and mob hysteria are not decreasing. That does not square very well with the so-called decrease that we heard about today. In 1936, again, there probably were over a hundred almost-perpetrated lynchings.

Mr. McCLELLAN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Something was stated with reference to the streets of New York and the streets of Chicago. We do have crimes on our streets; we do have malefactors of the law, but we punish them. [Laughter.] That is our pride; we punish them. You can laugh all you like, but you can look at the statistics, and after you look at the statistics of New York and the other large centers of population, you will find beyond peradventure of doubt at least that the populace of those cities deplore and denounce lynch law in those cities. They at least demand arrests and trials. There are no lynchings. There is no connivance by any manner of means on the part of the citizenry of those communities when it comes to murder, when it comes to racketeering, and when it comes to gansterism. New Yorkers do not lend any aid and comfort to these malefactors. They do not give them asylum, as some citizens in some States protect lynchers.

Mr. McCLELLAN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. But what can you say with reference to certain of those communities where there is utter connivance in the crime lynching; where the sheriffs, the constables, the marshals, and the county overseers raise no finger to arrest or develop punishment of these culprits?

In a word, I believe that the only remedy for lynching is to restore the confidence of society in the just, prompt, and efficient trial and punishment of lynchers. Virginia is free of lynchings. It has and enforces its lynch law.

Finally it may be asserted with reasonable confidence that the effectiveness or ineffectiveness of the judicial system and the enforcement of law during any given period has indirectly affected the number of lynchings. (P. L. Black, Lynching in Iowa.)

In other words, lynchings rise or fall with the degree of enforcement of murder and lynching statutes. Lack of enforcement surely has caused the crime of lynching. Punish mobs and mob violence and lynchings will disappear.

Mr. RANKIN. Mr. Chairman, realizing that there is probably nothing I could say that would affect the final vote on this vicious measure, which is being jammed through Congress by high pressure and false propaganda, I would remain silent on this occasion were it not that my silence might be misunderstood.

There has been a great deal of debate in the cloakroom and in the corridors about changing the name of this so-called



antilynching bill. For my part, I think it should be called "a bill to encourage rape", since that will probably be its ultimate effect—if it ever becomes law.

There are some Members, however, who think it should be called "a bill to make Harlem safe for Tammany." [Laughter.]

This is not a new proposition. It is simply the old force bill of carpetbag days in a little different form. In those days it was sponsored by corrupt Republican carpetbaggers—the most vicious set of thieves that ever robbed and plundered and murdered the helpless white people of the Southern States.

A few demagogues on the Republican side brought this measure in and shoved it through the House in 1922. The more decent members of that party became ashamed of it and let it die in the Senate.

Today the measure is brought in here fostered by an irresponsible element of so-called Democrats for the purpose of taking care of their own political hides at home. Their dishonest duplicity not only runs through this entire debate but it is written into the face of the bill, as I shall show in the course of these remarks. They are simply hurling their insulting charges and insinuations at the white people of the South in order to "bunk" a few Negro voters in their own districts. It is useless to argue with such men under these circumstances.

We have just heard two of the ablest speeches ever delivered on this floor against this vicious measure—one by the distinguished gentleman from New York [Mr. WADSWORTH] and the other by the distinguished gentleman from Texas [Mr. SUMNERS]. They might as well have been speaking in Statuary Hall. This House is lashed into a fury of insanity by the inspired propaganda for this measure, and no appeal to reason will have any effect.

The sponsors of this bill are pretending to do so in the interest of the Negroes, when in fact they are the worst enemies to the peace, the happiness, and prosperity of the Negroes of this country to be found in public life today. You Members who vote for this bill will be doing the innocent Negroes of this country an irreparable injury, to say nothing of the damage you are doing to the white people of the land.

I am a far better friend to the Negroes than any man who sponsors or supports this measure. I know what this agitation does to him. The Negro is a tenant at sufferance wherever he comes in contact with the white man. His very existence in the community depends upon the peaceful relationship existing between him and the white people around him. Disturb that relationship, as the passage of this measure would do, and the Negro will be the sufferer. He is no longer an economic asset to the South, if he ever was. If you stir dissension between the whites and blacks, the Negro must move on. I have seen whole communities cleared of Negro tenants in 1 year because of disturbances of this character.

This bill will encourage the more vicious element of the Negro race to attack white women and to perpetrate other crimes for which the innocent Negroes will be made to suffer. But you Members who are supporting this bill do not care anything about the innocent Negroes. You do not even pretend to protect the innocent Negro by this bill, as I shall show in a moment.

When this measure was before the Congress on a former occasion, a brutal Negro raped a white girl here on the Capitol Grounds. She was a telephone operator down at the Driscoll Hotel, right here at the foot of Capitol Hill, and lived just beyond the Library of Congress. She worked in the evenings and had to go home around 12 o'clock at night. This vicious brute watched her to see which way she went, and finally waylaid her on the shaded curved walk in front of the south wing of the Library, just across the street from the House Office Building, dragged her into the underbrush, choked and beat her to insensibility, outraged her, and left her lying there, a living example of the consequences of the legislative perfidy you are about to perpetrate. That is what you are encouraging with this measure which you pretend is designed to protect the innocent. [Applause.]

Similar attacks increased all over the country and finally burst out in horrible race riots, in which, as usual, the Negroes became the chief sufferers. Pass this measure and stir this trouble anew, and you will probably clear whole counties in the South of their Negro populations. Where will they go? Shall we send them to New York to become the wards of Tammany Hall? Shall we send them to Ohio, Indiana, Illinois? Shall we send them to Washington? Shall we send them into other Northern States to pad your relief rolls, add to your burdens, and intensify a growing trouble that you people do not understand or know how to cope with?

One man in this House from one of the largest cities in a Northern State told me on yesterday that three-fourths of the people on relief in his city were Negroes. It would be interesting to know the number of Negroes on relief in Harlem—New York—Pittsburgh, Pa., and other places where pompous politicians are boasting of their power and pandering to that element for support.

Take it here in the District of Columbia, the Nation's Capital. In 1930, according to the Government census, there were 132,000 Negroes in the District of Columbia. Yet, according to the testimony given before the Committee on Appropriations of this House on March 4, 1937, by Mr. Rufus S. Lust, president of the Washington Taxpayers' Association, 137,000 different Negroes have been given relief, at one time or another, in the District of Columbia since 1932. They have crowded in here by the thousands, and I am sure they have done the same thing in other cities in the Northern States. Do you want the rest of them?

You would think, to hear some flannel-mouthed demagogues talk, that the people of the South delighted in lynching Negroes. They exploit, with malignant pleasure, every instance in which a Negro is put to death. But they never talk of the horrible instances that drove the people to such madness, nor do they ever give credit for the tremendous battles that have been waged by the white people of the South to prevent lynchings, even in the face of the most shocking outrages.

They give no credit for the thousands of worthy peace officers of the South who are constantly taking their lives in their own hands and are often killed or injured trying to protect Negroes who have perpetrated such heinous crimes as to stir within the breasts of home-loving, law-abiding white men the most powerful resentments that ever beat against the battlements of self-restraint.

They give no credit to the white people of the South who have spent millions of dollars rushing their State militia to the scenes of such crimes in order to prevent the people of an outraged community from taking the law into their own hands.

Under such circumstances our peace officers, and all their deputies, and invariably National Guards, have been used to protect not only the accused but also the innocent Negroes from mob violence until public excitement died down.

But this bill does not pretend to protect the innocent man at all. Oh, what a fraud, what a mockery! What a deception, for men to stand on this floor and pretend that this bill will stop lynching, when it throws the innocent man to the mob and takes away from the guilty culprit even the protection he now has!

The only defense you men who vote for this bill will have when the people call you to account next year will be to plead your ignorance of its contents and its consequences. You are going to find that there is a great difference between running on the ignorance or shortcomings of an opponent and pleading your own ignorance, cowardice, or stupidity as justification for your votes in this House.

This bill does not pretend to protect an innocent Negro, or one who is not under arrest, and all of you know it. It only applies when a mob of "three or more persons acting in concert \* \* \* to kill or injure any person in the custody of a peace officer." That simply takes away the protection these Negroes now have. It subjects the officer who has the culprit in charge to a fine of \$5,000 and imprisonment for 5 years in the Federal penitentiary, and compels the taxpayers of the county in which a Negro rapist is lynched,



or through which he is even taken by the mob, to a penalty of \$10,000, to be paid to the family of the deceased.

That simply means that an officer is deterred from attempting to do his duty. If the mob beats him to the victim, then he and his country are in the clear. I wonder how many peace officers you think are going to rush in, take all the risks involved, subject themselves and their bondsmen to a penalty of \$5,000, themselves to a term of 5 years in the Federal penitentiary, and the hard-working taxpayers of the county, including the family of the woman who has been outraged, to the payment of \$10,000 to the family of a Negro brute who outrages and murders a defenseless, helpless, innocent woman or child. It might not be out of place to inquire if there is anybody who thinks that the family of such a fiend would ever live to collect that penalty.

As an example of legislative stupidity I submit that this bill is just about the last word.

And now I am going to show that as an example of legislative dishonesty it is without a parallel. It does not protect the innocent at all, and does not pretend to. A mob can form and go out and lynch all the Negroes or all the white people in a community, and this bill will not apply—unless the people lynched are "in the custody of a peace officer." They pretend that the white people of the South are lynching innocent Negroes, and then they fail to protect an innocent man who is not in the custody of a peace officer. Why did they do that? I will tell you why. They were afraid they would protect innocent people from the gang murderers in their own States and protect the innocent Negroes who are killed by the thousands in race riots in those States. They knew that if they applied the same penalties to their own officials, or their own counties, they are trying to impose upon the South, they could never come back to Congress.

You see, a bunch of racketeers in New York or Chicago or Pittsburgh or Jersey City, or anywhere else in the country, could go in and kill as many people as they want to and this bill would not apply, even if the peace officer stood by and watched the killings or even participated in the mob, so long as the victims were not under arrest.

No wonder Lindbergh moved to England to get protection for his wife and child from the ruthless racketeers so studiously and carefully protected by this bill.

There were more Negroes killed in one race riot in Chicago or in one race riot in Springfield, Ill., the former home of Abraham Lincoln, or in the race riot in East St. Louis than have been lynched in the South since the Civil War. They are going to have a race riot in New York one of these days that will be the most disastrous confusion of tongues, perhaps, that has ever happened on this continent, but the innocent women and children who are killed in such a riot will not be protected by this bill, because they will not have committed any crime, and therefore will not be in the "custody of a peace officer."

I am utterly surprised to see our Jewish friends advocating this monstrosity. I never knew until I came to Congress that there was really any anti-Semitic sentiment in the Eastern States. We do not have many Jews in my section of the country, and those we do have are, as a rule, merchants, tradesmen, lawyers, etc., who get along well and are always treated with the utmost respect. But I find that conditions are different in the East, and growing worse. Now, suppose this feeling is intensified until there is an outbreak against the Jewish people along the Atlantic seaboard. This bill would not protect them so long as they are not "in the custody of a peace officer." They can lynch every Jew in New York, in New Jersey, or Massachusetts, or any other State, but so long as they are not under arrest or "in the custody of a peace officer" they would not be protected by this law.

You are in a great deal more danger of outbreaks of this kind in the Eastern States than we are of race troubles in the South if you will just let us alone.

Let me say to our friends from the Pacific coast who are supporting this measure, that less than 30 years ago you people were in a frenzy of excitement and fear over the danger of the "yellow peril." You called aloud for help, and the white people of the South responded to a man. It was the call of the race, the call of a white civilization. One

Congressman from the Pacific coast told me that he never knew a southern Democrat to falter.

Some of you are now manifesting your gratitude by supporting this vicious measure which you know, and which you admit privately, is an outrage, the only object of which is to harass and abuse the white people of the South, the best friends you had in the hour of your own danger. I wonder if the people of the West will support you in this manifestation of ingratitude.

In the Literary Digest of April 10, 1937, appears an article under the heading—

Sex crime wave alarms United States. Police grope for method to stem rising tide of perversion.

Then the article proceeds to tell what has recently occurred in Detroit, Mich., and which should be a warning to the people of that section of the country that instead of punishing the South you are merely piling up trouble for yourselves. The article reads as follows:

In Detroit, Bernice Onisko, 17, was beaten, ravished, and strangled on March 6 within 150 feet of her home. She was returning from confession at a nearby church when attacked. Police rounded up and questioned more than 200 suspects; found no killer.

As if the Onisko case had opened a Pandora's box of evil passions, more than 75 women and girls were attacked or molested in their homes or on Detroit streets within the next few weeks.

They caught one Negro who had raped a white girl on the library grounds in Detroit. He grabbed her one night as she walked along a shaded path, put his hand over her mouth, dragged her into the shrubbery, choked her and beat her almost to death, ravished her and left her to drag her way back to the path to give the alarm. They caught him, went through the form of a trial, and sentenced him to a term in the penitentiary. They have no capital punishment in the State of Michigan, so the worst these criminals can get is a term in the penitentiary, which is something on the order of a sit-down vacation, since they have about succeeded in outlawing every kind of work that a convict can do in that State.

The first thing they know, Detroit will break forth into the flames of a race riot. Decent white people are not going to sit supinely by and let these brutes outrage defenseless women in this manner, law or no law. You cannot expect people to continue to maintain their composure and self-control under conditions of this kind.

I remember on one occasion a little woman in one of the counties which I represent was dressing to go to a church meeting, when she saw in the mirror the reflection of a Negro brute entering the window. She reached and got her husband's pistol, but she was so badly frightened that she was too weak to pull the trigger. He took the gun from her trembling hand, put it in his pocket, outraged her, and took a razor and cut her throat from ear to ear and left her weltering in her own blood in the parlor of her own home. He went home and told his wife what he had done and she exposed him. He confessed and gave up the pistol he had taken from the woman's hand, and told them where to find the razor he had used to kill her.

On another occasion, there was a Negro in a county jail in a district adjoining mine. The jailer had made a trusty of him and sent him out to his home one day to get some article or to take a message to his family. The jailer had a beautiful daughter about 16 years of age. This Negro conceived the idea of outraging her, but there were obstacles in his way. In order to accomplish his purpose, he first had to kill her mother. As soon as he entered the home, this poor mother sensed his purpose and rushed between him and his intended victim. He cut her throat with a razor, but she held her throat with her hand, screamed as best she could, making a gurgling sound, and fought that beast off till her daughter could escape, then fell exhausted, and expired.

Suppose that had been your wife or mother, Mr. GAVAGAN, or of any of the rest of you advocates of this measure. How long do you think you would have remained cool and collected, as you pretend to be now?

Yet, in the face of those conditions, the South has fought the evil of lynching and reduced it to a minimum.



Now, the truth is that this bill will not protect anybody, and I do not believe its sponsors intend to protect anybody by it. I do not believe that any intelligent man thinks for a moment that this measure will prevent a single lynching or save the life of a single human being; but, on the other hand, every intelligent man, it seems to me, is bound to know that it will encourage outbreaks, leave the innocent exposed to the mob, and take away the protection the guilty now have.

But, Mr. Chairman, we are told that this is just the beginning of a series of drives to destroy the color line and try to force race amalgamation on the American people. If they should succeed, America would sink into the mire of mongrelism; and instead of the proud Nation, the proud civilization we now enjoy, this country would go down to future generations inhabited by a mongrel race. God forbid that such a tragedy should ever befall my native land!

One Member from Connecticut [Mr. KOPPLEMANN], I understand, has already introduced a bill to wipe out segregation in the District of Columbia—force Negroes and whites to attend the same schools, the same theaters, patronize the same hotels and restaurants. Mr. O'CONNOR of New York stated on the floor that he favored such a measure and hoped the gentleman from Connecticut would pursue it.

That would ruin the District of Columbia. If that measure should pass and be signed by the President, it would bring chaos to the District. As long as it is even pending, with the possibility or threat of passage, a man would be crazy to buy property in the District of Columbia. If it ever does pass during my service in this House, then I am ready to vote to move the Capital to some other place.

I can tell the gentleman from Connecticut and the gentleman from New York that they are not going to force social equality on the South. You may coax the rest of the Negroes into New York and Connecticut, Michigan, Massachusetts, Illinois, and other Northern States, but the white people of the South are never going to submit to racial equality. The Negroes are there, and we treat them better than they are treated anywhere else on the face of the earth. We are not responsible for their presence in the South, but we are responsible for maintaining our white civilization. The Negroes were thrust upon us through the unfortunate instrumentality of slavery. We did not reduce them to slavery; we bought them from the people of the North; and let me say in that connection that they did not reduce the Negroes to slavery, because they were slaves in Africa before the American slave traders ever purchased them. Slavery was the worst curse the South has ever experienced and the greatest blessing the Negro had ever known up to that time. It elevated him from the position of savage to that of servant, and for the first time showed him the light of a Christian civilization.

The South has been punished as no other people ever have since the children of Israel escaped from Egyptian bondage. That punishment was formerly visited by those who were admittedly our enemies. Now it is attempted by our pretended friends.

At no time in all history has one race ever done so much for another as the white people of the South have done for the Negro race. For tens of thousands of years he roamed at will through the continent of Africa, one of the richest countries in all the world, feasting upon his fellow man, and never even developed the art of agriculture to the extent of making his living out of the ground.

For countless ages he trod the sands of his native soil with gold and diamonds beneath his feet and never even dreamed of the theory of values.

He bowed beneath his master's whip at the building of the Pyramids and watched succeeding civilizations rise and fall, and all he ever learned was to construct a rude shelter of bark and grass with which to shield his head from the beating rays of a tropical sun.

He saw the dawn of civilization and watched the pageant of the centuries pass without so much as manifesting a desire to participate in the progress until he was brought to this country and shown the light of a Christian civilization through the unfortunate instrumentality of slavery.

If that enslavement was a crime, you people must bear your part of the responsibility as we have borne our part of the burden.

You can just forget all this crazy talk about social equality between the whites and Negroes of the South. It is not going to happen.

There are only four possible solutions of the race question: Amalgamation, extermination, deportation, and segregation. Amalgamation is too horrible to even consider; deportation seems to be out of the question; extermination is too cruel for contemplation. The only possible feasible solution is to follow the course mapped out and pursued by the people of the South for more than 300 years—a complete segregation of the two races. [Applause.]

Mr. HARLAN. Mr. Chairman, I move to strike out the words "riotous assemblage" in the fourth line.

Mr. Chairman, after watching this debate, as I and the rest of you have, I have come to the conclusion: This House is divided into four groups. There is, first, a group which does not want any lynching bill at all. Then there is a group which does not want any lynching bill introduced by a Democratic Negro Congressman. Then there is a group which wants the most radical bill we can possibly get through. Fourth, there is a group which would like to have a moderate, workable, antilynching bill.

The other day when the Mitchell bill came before the House it was snowed under because those who did not wish any bill introduced by a Negro Democratic Congressman to pass, of course, voted against it. Those who did not wish any bill voted against it because they wanted the most radical bill they could get so that it would be defeated in the Congress or there would be a better chance of its being invalidated in the courts. Those who wanted a radical bill did not, of course, vote for the Mitchell bill. Those of us, in such a painful minority, who wanted a mild, workable bill, were snowed under. Otherwise, we would offer the Mitchell bill this afternoon as a substitute for the Gavagan bill.

It seems to me we ought to see a little humor in this situation. Here is a political party which had control of the House for about 12 years. During this time they carried most of the States in the North by the Negro vote. In all of that time they did not do anything toward passing any lynching bill, except the Dyer bill futility in 1922. The main prop of their support has now drifted over to the other side, and we are here trying to secure equal protection and give a little encouragement to that large Negro group which has finally repudiated the party of privilege. However, it is not good Republican politics to let a Democratic Negro legislator father a bill, so it is to be defeated.

It seems to me that those from the South who have become so agitated here have been very largely responsible for this bill, because if a mild bill had been permitted to come through we would not now have so much objection to it. However, now we have this extreme bill, and it is going to go through this House.

I was interested in hearing the remarks of some of the southern gentlemen against the rape of the Constitution which they believe this bill performs. A few years ago the same gentlemen were down here talking in favor of the Volstead Act, which, of course, from our viewpoint was a hundred times worse than this so far as infringing States rights is concerned. I just wondered how the gentlemen would talk if the scene could be changed and we should have another Volstead Act down here.

The whole thing impresses me as a reflection upon, oh, shall I say, though I do not like to, the sincerity of our whole program here. We all talk so much, and we all get so "het up", when in the back of our minds there are a lot of thoughts, a lot of motives, and a lot of purposes which have nothing to do with what we are talking about.

May I close by saying I sincerely hope that after this bill goes through the House and gets into the other Chamber somebody with a little less emotion and a little more sanity will take the mild Mitchell bill and substitute it for this bill. Then the gentleman from Harlem [Mr. GAVAGAN] will have the name and the credit, and the gentleman from



Chicago [Mr. MITCHELL] will have the consolation of giving us a workable antilynching law. [Applause.]

Mr. GAVAGAN and Mr. COX rose.

The CHAIRMAN. The Chair will state that preference in recognition is to be given to the gentleman from New York, who is handling the bill, and, after that, to the members of the Judiciary Committee. The Chair is endeavoring to grant recognition to several Members who have already spoken to the Chair. Does the gentleman from New York now demand recognition?

Mr. GAVAGAN. Mr. Chairman, I demand recognition in opposition to the amendment of the gentleman from Ohio.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GAVAGAN. Mr. Chairman—

Mr. KITCHENS. Mr. Chairman, will the gentleman yield?

Mr. GAVAGAN. I shall be very happy to yield to the gentleman.

Mr. KITCHENS. Do I understand the gentleman questions whether the words "riotous assemblage" should be stricken?

Mr. GAVAGAN. I am rising in opposition to that amendment.

Mr. KITCHENS. I would like for the gentleman to explain to the House why you use both expressions, "mob or riotous assemblage."

Mr. GAVAGAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GAVAGAN. As I understand the situation, Mr. Chairman, and if I am in error I hope the Chair will correct me, the gentleman from Ohio moved to strike out the words "riotous assemblage" as contained in line 4, page 1, of the bill.

The CHAIRMAN. The gentleman is correct.

Mr. GAVAGAN. And I believe this was in the nature of a pro-forma amendment.

The CHAIRMAN. The Chair is not able to determine that question. The Chair has recognized the gentleman from New York in opposition to the amendment striking out those two words.

Mr. GAVAGAN. Mr. Chairman, the gentleman from Ohio [Mr. HARLAN] evidently has some motive, which I cannot understand, in offering his amendment. The gentleman seemed to be serious about it and took the floor for 5 minutes and all we heard was a dissertation on somebody else's bill or the motives of other people and then, finally, he finished referring to the motives of the "gentleman from Harlem."

One would think that the Members of this intelligent, or supposed-to-be-intelligent body when they propose an amendment would at least, instead of blatantly shouting hot air, talk upon the amendment.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. GAVAGAN. I yield.

Mr. CASE of South Dakota. Some of us have a serious question in mind. We are wondering whether under the language "any county in which a person is seriously injured or put to death by a mob, or a riotous assemblage" would mean that if a boy in college was seriously injured by a group of students in some sort of hazing operation, this section would apply.

Mr. GAVAGAN. Although the question does not pertain to this particular amendment, I am very happy to say to the gentleman, and I cannot repeat it too often, this bill only applies to a situation where a person is in the custody of law-enforcement officers and is taken from the custody of such officers by a mob consisting of three or more persons who thereupon inflict bodily injury or death upon such prisoner. To my mind that language describes a riotous assemblage, and this is the only situation that could arise that would make this bill operative, and every one of you who is a lawyer knows this to be so.

This bill is to stop lynching, as its title proclaims, and we all know it is intended to apply to an unfortunate person charged with crime in the custody of a police officer, and

such prisoner is taken from the custody of the officer by three or more persons or a mob that in turn carries out its ideas of law and justice by inflicting personal injuries or death upon the prisoner.

Ah, Mr. Chairman, we have heard the bugaboo about constitutionality. We heard the distinguished gentleman from Texas today consume almost 50 minutes, and never discuss the question of constitutionality. Why? Because he is too good a lawyer not to know that he cannot, as a lawyer, under the terms of this bill and under our constitutional mandate, proclaim that this Congress is constitutionally powerless to do anything in this situation.

[Here the gavel fell.]

Mr. HARLAN. Mr. Chairman, I ask unanimous consent that the amendment which I offered may be withdrawn, as it was a pro-forma one.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. COX. Mr. Chairman, I move to strike out the paragraph.

Mr. Chairman, for more than 100 years the people of the South have kept life in the Democratic Party. At times they have been its only friends, and now when the party has grown strong and powerful, it turns upon them and proposes to deal to them this wicked and cowardly blow. The way has long since been prepared for the passage of this measure. There is nothing the opposition can do to stop it. Those behind it are in the majority, and they propose to have their way.

There is just as much malice in the pending bill against the South as there was in any of the reconstruction measures following the War between the States. The bill is but one of a series that is intended to be put upon the country in an effort to break the spirit of the white South and, in time, bring about social equality, but in this regard it will fail as all the rest will fail.

The color line in the South is a permanent institution. [Applause.] It will not break, and cannot be wiped out by a Federal law dictated in hate. Her people mean to maintain their racial purity and will not be mongrelized. [Applause.]

Mr. ROBSON of Kentucky. Mr. Chairman, in the time given me under general debate on April 13 I discussed at considerable length and urged the passage of H. R. 1507, the Gavagan antilynching bill, and in my speech on that occasion I called attention to what I regard as a weakness, not only in the Gavagan bill but also in the Mitchell bill. I now desire again to call to the attention of the Members of the House, and especially to the attention of the author and gentleman in charge of the bill, Mr. GAVAGAN, this weakness in his bill.

The whole theory of this proposed legislation is based upon the idea that the States and local communities have failed to give equal protection of the laws as provided in the Federal Constitution to persons lynched, and because of local influences and conditions there is no effective action taken against the lynchers. This measure proposes to give jurisdiction to United States courts to investigate, indict, and try members of the mobs and to assess damages against the county in the event that the States fail to give equal protection of the laws to the citizens.

I pointed out in my speech the other day that of the approximately 5,200 persons murdered by lynching since 1882, only 49 percent of these lynched persons were in custody at the time they were lynched. Fifty-one percent were not and had not been in custody at the time they were lynched.

The protection provided in this bill does not attach until and unless the person lynched by the mob is "in custody of a peace officer." On today an amendment was offered to this bill to strike out the language "in the custody of any peace officer." I regret that the gentleman from New York [Mr. GAVAGAN] made objection and raised a point of order to this amendment, and his objection to this amendment was sustained. With the defeat of that amendment the bill will still retain the language "in the custody of any peace officer."



This, of course, means that the Federal courts cannot take jurisdiction and investigate these lynchings and punish the mob nor can the Federal courts assess any damages against any county as punishment where a person has been murdered or injured by a mob, who was not at the time in the custody of a peace officer such as sheriff, jailer, or the court.

I am not a recent friend or convert to this character of legislation. I spoke and voted for the Dyer antilynching bill when we passed it here in the House in 1922. I have always believed in the necessity and propriety of this character of legislation, although I do not have very many colored people residing in my congressional district.

I am strongly inclined to believe that if the provision "in the custody of any peace officer" remains in the bill it will more than likely encourage the lynching of persons not in custody and might encourage rather than prevent lynching in this country.

Mr. COX. Will the gentleman yield?

Mr. ROBSION of Kentucky. I regret that I cannot yield as I have but a few minutes' time to present the matter I have in mind.

The reason I make this statement is, what inducement would there be for an officer to take into custody a person who might be accused of a crime and might be lynched when if he did so he might subject himself to the jurisdiction of the United States courts and might be indicted and tried in a United States court for negligence in the event that the mob should take his prisoner from him and lynch him and it would subject his county to damages in the sum of from \$2,000 to \$10,000. The peace officer who had heard some threats about lynching some person might say to himself, "Why should I rush out and take this person into custody? If I do and the mob should take my prisoner away from me and lynch him, it would at once give jurisdiction of the matter to a United States court and I could be indicted by the Federal Grand Jury and tried in the Federal court and my county could be subjected to damages of from \$2,000 to \$10,000. Why should I hurry to take this man, woman, or child into custody?"

We must bear in mind under this bill a United States court cannot assume jurisdiction in any case unless the person lynched is in custody. There can be no action taken against the officer or the county until and unless the person lynched is taken into custody. It seems to me we are failing to give proper protection to persons who will not be taken into custody. The records disclose that the greatest number of innocent women, children, and men who have been lynched in this country are those who have not been taken into custody.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. CELLER. Is it not more likely that the bill will be declared constitutional as it is now written than with this amendment?

Mr. ROBSION of Kentucky. I do not think so. If Congress has the power to pass this bill and reach out and take hold of an officer of a State or subdivision and assess damages against the county on account of the mob lynching a prisoner in the custody of an officer and punish them and assess damages, it seems to me we can reach out and protect the innocent people of the country lynched, even though they may not be in custody; and if we cannot reach out and protect innocent women, children, and men who might be lynched, even though not in the custody of an officer, it would lessen my interest in this character of legislation.

Of course, it is our desire to uphold the Constitution and laws of this country and give to the accused a fair and impartial trial before an impartial court and jury; but we are especially concerned in protecting from the vengeance of the mob innocent persons even though they are not in the custody of an officer. As I have said, the whole theory of this legislation in giving Federal courts jurisdiction is based upon the proposition that local communities fail to give equal protection of the laws to citizens who are lynched, and because of local influences or conditions there is nothing done about it.

If the words "in the custody of any peace officer" are stricken from the bill, then all perpetrators in the murder-lynching of any citizen where the State fails to give to such person or persons the equal protection of the laws could be investigated, indicted, and tried in a United States court, and the county where such mob murder occurs could be sued and recovery had, whether the lynched person was in custody or not in custody at the time he or she was taken by the mob and lynched.

I shall be greatly disappointed if Mr. GAVAGAN, the author of this measure and in charge of it, does not himself offer amendments and aid in amending the bill so that it may apply in all cases of lynchings where persons have been denied the equal protection of the laws as provided in the Constitution of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. GAVAGAN. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 5 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from New York that all debate upon this section and all amendments thereto close in 5 minutes.

The question was taken; and on a division (demanded by Mr. GAVAGAN) there were—ayes 75, noes 125.

So the motion was rejected.

Mr. HOOK. Mr. Chairman, I offer the following amendment, which I send to the desk.

The CHAIRMAN. The Chair is informed that the amendment goes to the title of the bill, which is not in order until after the passage of the bill.

Mr. HOOK. Mr. Chairman, then I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. Hook: Section 1, line 3, strike out the word "or" after the word "mob" and insert a comma. Also after the word "mean", in line 4, insert the following: "Any person or persons directly or indirectly participating in or responsible for any mob confiscating any factory, shop, store, home, or property and unlawfully holding same in violation of law."

Mr. GAVAGAN. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Michigan offers an amendment which extends the scope of the bill to a seizure of property, and so forth, clearly not within the province of the bill, which is directed solely toward the crime of lynching. The Chair sustains the point of order.

Mr. HOOK. Mr. Chairman, I move to strike out the last word. I come from a section of the country that I believe is one of the most law-abiding sections that we have in these United States. We have not had one single solitary lynching in all its history. I believe in law and order, and I should like to have the bill extended so as to give us real protection and real law and order so that we will not be menaced by these sit-down strikes that may come into my district. Oh, I have heard you talk here about the men who have been prosecuted in the cities. Let me tell you a story about one of the gangsters from the city of Chicago who is now roaming this country free from any attempt of the officers to apprehend him.

I happened to be in the city of Chicago shortly after Tommy O'Connor, one of the notorious gangsters, was condemned for murder, and was in the bull pen about to be executed. He was supposed to have escaped. I was taken by the jailer of Cook County jail in Illinois through the jail and he showed me how Tommy O'Connor escaped. He showed me how he went through a 5-foot wall with a hand-pick; went through a little hole about that size—less than 1 foot in diameter—went down the hall, took the keys away from an officer, and then out through a window on to a lean-to, from there to a car that was waiting, and was then driven away. I started to laugh. He said, "What are you laughing about?" I said, "I understand Tommy O'Connor has been picked up in Ohio." He said, "You don't believe that. You are laughing because of what I have shown you. I don't blame you, because Tommy O'Connor never escaped



from this jail. He was chased out of jail. He is right in the city of Chicago today because it is the safest place for him. He will never be taken in as long as he stays here in Chicago providing the right bunch remain in office. Tommy O'Connor is still at large today. Can you deny it?"

Mr. CHURCH. Mr. Chairman, will the gentleman yield?

Mr. HOOK. I yield.

Mr. CHURCH. Will the gentleman name the warden he was with that day?

Mr. HOOK. I do not recall the name of the jailer right now.

Mr. CHURCH. I wish in your extension of remarks you would name the warden.

Mr. HOOK. I will name him. His name, if I remember correctly, was "Meisner."

Now, if we are going to have law and order, let us have it. Let us have law and order right down the line. Just as the gentleman who preceded me said, let us not pass a law which will make it a crime to take a person away from the hands of the officers and at the same time it will not be a crime to mob a person before that person is in the hands of the officer. Let us make it a crime to lynch a person at any time. Let us have a constitutional bill if we are going to have a bill at all. Let us have an answer to the question I asked the other day, that the gentleman from the Republican side just propounded. Let us not make innocent counties responsible for actions which their citizens may not participate in at all. If we are going to have a bill, let us have a real bill. I believe honestly that when a section of the country has done such an admirable job in reducing crime as the good people in the South have done, they should not be slapped in the face by a coalition, if you please; by those in the Republican and Democratic Parties who are just looking for votes and using this slurring piece of legislation and an appeal to mob passion to do it. I have never been a demagogue and never will be. Let us have an honest bill or none at all. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan [Mr. Hook] has expired.

Mr. FORD of Mississippi. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. FORD of Mississippi moves that the Committee do now rise and report the bill back to the House with the enacting clause stricken out.

Mr. FORD of Mississippi. Mr. Chairman, much has already been said on the constitutionality of the pending bill, and many cases have been cited to show that this measure is wholly unconstitutional. Therefore, I shall refrain from giving dignity to the measure by attempting to further discuss its unconstitutionality. It is obvious to those of us who have listened to the debate that the Northern Democrats, apparently for political reasons, are going to join the Republicans and pass this bill. If the bill passes both Houses of Congress and is signed by the President, there can be only one hope for the South, and that is that the Supreme Court will decline to yield to the enormous pressure recently put upon it and do its duty by declaring a law of this kind unconstitutional as a usurpation and invasion of States' rights. If the Supreme Court of the United States should fail to do its clear-cut duty and hold this law to be constitutional, then the governors and members of the legislatures of the respective States might as well resign and turn everything over to the supervision of the United States.

Entering a judgment against a county will in no way prevent lynchings but will make the innocent taxpayers pay for the acts of a few who constitute the mob.

Education has done more to reduce the crime of lynching than anything else. The local communities have been made to realize that the law will punish those who commit atrocious crimes, if given an opportunity, and the citizens as a rule cooperate with the peace officers in preventing mob violence.

The proponents of this bill may think they are doing good for the cause, but in my judgment the passage of this law will encourage the Negroes to commit the crime of

rape as well as other heinous crimes, and if this happens, there can be no question but that lynchings will increase instead of decrease, as has been the case in the last several years.

Mr. Chairman, it is legislation of this kind as well as words like those used by our Democratic colleague from New York [Mr. O'CONNOR], chairman of the Rules Committee, that makes the South wonder why they should be penalized. I quote from Mr. O'CONNOR's remarks on the floor of this House on April 12:

I should like to see the question of the Negroes in America, 15,000,000 of them, seriously considered by the people of this country and by Congress, and I should like to tell you where to start. Start in your Capital, the District of Columbia. In the Capital of the Nation the Negro does not get a square deal. Right in the shadow of the Capitol you have segregation and Jim Crowism. If that were properly brought to the attention of this Nation, the people of the 48 States would never tolerate it. \* \* \* I would like nothing better than to devote the rest of my life to seeing that these 15,000,000, the largest racial group in the United States, get a square deal in this country.

Mr. Chairman, ever since the reconstruction days the State that I have the honor to represent in part has always been in the Democratic column when the roll was called, but now that the Democratic Party is in power, the northern Democrats, with few exceptions, are showing their gratitude to the South by turning on their southern colleagues in Congress and subjecting them to this twentieth century force bill.

This bill may pass, but I warn the Members of this House that the Southern people will not submit to its provisions and they will never submit to social equality as advocated by the gentleman from New York [Mr. O'CONNOR]. [Applause.]

Mr. KNUTSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am in sympathy with the objective of this legislation. However, I find it very hard to reconcile the position that a number of southern Members have taken today with the position they have taken on the proposal to rape the Supreme Court of the United States.

I do not expect to vote for the pending legislation, as I have no desire to join in this mad race between the executive and the legislative branches of our Government to see who shall be the first to deliver the death blow to the Constitution and States' rights. I have no idea that this legislation would put a stop to lynch law. I do not believe that its proponents entertain any such hope as that. Had I the remotest idea it would put a stop to lynching I would vote for it gladly. I fear, Mr. Chairman, that if this legislation is enacted it is going to return to bother us in the North. The South is not the only section of the country where there are race problems.

The race question has become a real problem in the North, more especially in big centers like Chicago, Philadelphia, and New York; and I urge that we should act with the utmost caution on what appears to me to be the entering wedge in the complete destruction of States' rights.

All must realize that the people of the South have a most delicate problem to deal with. All in all, I would say they have done a fairly good job of it. Let us do nothing here today to either retard the forward movement or to make it more difficult. To my mind this legislation is on all fours with several witch-burning measures that have been before us in years gone by. Let us not forget our ill-starred ventures into the field of regulating morals by legislation. If this measure is enacted, it will be repealed within 10 years, and those who sponsor it will be among the first to ask for its repeal. Let us cut out all this sectionalism, which is unworthy of a great lawmaking body. We are all Americans, whether from North, South, East, or West. Let us not have a repetition of the reconstruction days that followed the Civil War. [Applause.]

The CHAIRMAN. The question is on the motion of the gentleman from Mississippi to strike out the enacting clause.

The question was taken, and on a division (demanded by Mr. McCLELLAN) there were—ayes 68, noes 125.

So the motion was rejected.



Mr. BIERMANN, Mr. KITCHENS, and Mr. ELLENBOGEN rose.

The CHAIRMAN. The Chair will state that there are seven sections to this bill. It would expedite matters if Members having only pro forma amendments would apportion them over the different sections.

Mr. BIERMANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BIERMANN. Mr. Chairman, I would inquire if after the next section is read some of us who have not been able to get any time at all will be given 5 minutes.

The CHAIRMAN. The Chair intends to recognize every Member seeking recognition.

The Clerk read as follows:

Sec. 2. If any State or governmental subdivision thereof fails, neglects, or refuses to provide and maintain protection to the life or person of any individual within its jurisdiction against a mob or riotous assemblage, whether by way of preventing or punishing the acts thereof, such State shall by reason of such failure, neglect, or refusal be deemed to have denied to such person due process of law and the equal protection of the laws of the State, and to the end that the protection guaranteed to persons within the jurisdictions of the several States, or to citizens of the United States, by the Constitution of the United States, may be secured, the provisions of this act are enacted.

Mr. BIERMANN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am going to vote against this measure not because I favor lynching—I think there is no one here who favors lynching—but because I believe, I may say I know, that this bill is unconstitutional. When I go back home to private life probably I shall have to look over some votes here that I think I could have improved upon, but I shall never have to turn over the pages of my memory and find any place where I voted for any measure, no matter who advocated it, that I thought was unconstitutional. [Applause.]

Mr. Chairman, this bill is not calculated to stop lynching. I have listened to most of the debate and I have not heard a single person say on this floor how this bill is going to diminish lynching. If it is not calculated to diminish lynching, what excuse is there for passing it?

The gentleman from New York [Mr. CELLER] asked what had been done to punish the perpetrators of the eight lynchings last year. I do not know what has been done. He said that in New York they have crime, but they punish crime. Let us see. In the years from 1930 to 1934, inclusive—I got these figures from the World Almanac—there were in the city of New York 2,582 homicides. The police records of the city of New York show that for these 2,582 homicides there were 2,080 arrests; in other words, the arrests for homicides in New York City were 502 less than the homicides themselves. There were 502 killings for which no one was so much as arrested. The gentleman says that they punish these criminals in New York City. In these 5 years, when there were 2,582 homicides in the city of New York, there were, according to the police records of that city, 428 convictions. [Laughter.] In other words, according to the records, less than one person was punished for every six murders in New York City from 1930 to 1934, inclusive.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. Yes.

Mr. CELLER. The gentleman does not mean to presume that there were 2,582 felonious homicides. There are all manners and kinds of homicides, homicides by destruction by automobile, for instance.

Mr. BIERMANN. I mean criminal homicides.

Mr. CELLER. Will the gentleman classify them?

Mr. BIERMANN. If the gentleman wants me to, I will put that in the RECORD.

Mr. CELLER. I have it right here. Put it in—classify them.

Mr. BIERMANN. Felonious homicides. This leaves out accidental killings, and leaves out suicides. It includes only felonious homicides and the figure is 2,582 for the years 1930 to 1934, inclusive.

Mr. CELLER. I have it right here before me, felonious homicides in New York, 376.

Mr. BIERMANN. In 5 years?

Mr. CELLER. In 1 year. I am speaking about a year.

Mr. BIERMANN. I said from 1930 to 1934, inclusive.

Mr. CELLER. Then the gentleman should indicate the felonious homicides in contradistinction to manslaughter by negligence.

Mr. BIERMANN. The gentleman cannot take up my time in that way. I do not refer to accidental killings and I do not include suicides; but I mean criminal killings, of which there were 2,582 in the city of New York during these 5 years, with only 428 convictions of murder. If we are going to pass unconstitutional legislation to prevent killings, let us do something to deal with the wholesale killings in New York City. Lynching in the United States has declined from 226 in 1892 to 8 in 1936, but New York City still has a situation in which less than one-sixth of its murders are followed with convictions. [Applause.]

[Here the gavel fell.]

Mr. OWEN. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, no one in this House is more opposed to mob violence than I am. For 20 years in my State I indicted and prosecuted people. There was never a time during those 20 years when I put on the soft pedal in prosecuting a white man who was indicted for violence toward a Negro. Numbers and numbers of times white men have been convicted of assault upon colored men. No man is more opposed to mob violence than I am. I yield to no man a greater fidelity to observance of law and order than I have.

I regret this bill is aimed directly at my section of the country, the section which in the formation of the Government and in its preservation has contributed as much as any other section of our Union. No section of the United States has contributed more or has been more loyal to the Government than the section from which I come, the last of the 13 original colonies, yielding to the Government the two great States of Mississippi and Alabama. We have been loyal throughout all the days.

What is the purpose of this bill? The purpose of the bill is to prevent mob violence. I join hands with you in that enterprise. I disagree with the belief of the author and the advocates of the bill that it will suppress lynching. I believe this bill will encourage lynching, for the very reason that, knowing the colored man as I do, I think this bill will encourage him to commit the unspeakable crime.

As stated by a gentleman on the floor this afternoon, the distinction between the two races is so well defined and so well established that no law, I care not whence it comes, will deter the white man down there from wreaking his vengeance on the brute who commits the unspeakable crime.

My father was a country physician. Countless hundreds of times at all times of night I have been with him on an errand to visit a sick colored man or his family, without the slightest hope of reward. I have been in their homes. This very day I am supporting on a farm of mine 50 or more colored men and their families without hope of reward. Are you doing that? I have the highest regard for the colored man. You do not think one-tenth as much of him as I do. [Applause.]

[Here the gavel fell.]

Mr. HOFFMAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the gentleman from Texas [Mr. SUMNERS], the chairman of the Committee on the Judiciary, exhibited a great deal of concern over what he was pleased to describe as an acute attack of "federalitis", which, he said, is afflicting the House today.

"Federalitis", I gathered from his remarks, was the imposition by the National Government of its authority over the States, and injection into State affairs of the Federal arm of the Government.

This fear and concern on his part was rather amusing to me. While he was talking I could not help but wonder how he and his comrades had been able to survive for more than 4 long years a chronic and severe siege of this same sickness.



During that 4 years he and his comrades have been suffering from "federalitis", which has completely paralyzed not only their actions but their thinking, and it is encouraging, indeed, if at last they have discovered the cause of their trouble.

Heretofore "federalitis" has seemed to be the one panacea for all the ills, not only of these southern gentlemen but of their Democratic colleagues from the North.

The gentleman stated, in substance, that we could never hope for any good results, any great reform, by attempting to apply remedies "from the top downward."

But that is just exactly what the gentleman has been doing for, lo, these many months. If men were out of work, if individuals needed funds, if a community needed an improvement of any kind, if votes were wanting, then large and repeated doses of Government money were administered, and then "federalitis" continued to grow more violent in its symptoms, that is, it always needed more of the same—more money.

The gentleman from Mississippi [Mr. RANKIN] also is greatly worried today about this attempt to force the Federal authority into the affairs of his State. Just why he should be worried is again something at which we all marvel when we remember that, day after day, week after week, month after month, day and night, if his actions in the House indicate anything, this little baby of his, the T. V. A., which he has changed and wet-nursed and most assiduously and almost constantly been feeding Federal pap, has grown so large and strong that it not only has come in contact with private business but has invaded the businesses not only of corporations, the mention of which usually give him a spasm, but has taken an active part in the affairs of towns, counties, and States.

The gentleman from Mississippi [Mr. RANKIN] should be the last, as he sits back and views with commendable pride his brain child, which has been fatally affected with "federalitis" from the moment of its birth, to worry about Federal interference in local affairs.

The gentleman from Georgia [Mr. Cox], whose ability, integrity, and independence I so greatly admire, said that the South for long years had been the backbone of the Democratic Party, that it had kept the fires of democracy alive through all the lean years. That statement was true; it was accurate. He then complained because Democrats in New York, by the introduction and passage of this bill, were bringing trouble to the party in the South.

It is my regret that I cannot sympathize with him, for I remember how blue-blooded, aristocratic democracy of the Democratic South went north to New York City, sought, wooed, won, and married a fair daughter of the Tammany Tiger. It is not my fault if that alliance gave birth to this baby over whom he is now worrying.

Papa or Mama Tammany, whichever it may be, puts forward this bill on the theory that it will prevent, and, failing in that, punish lynchings in the South.

Papa or Mama Southern Democracy is quite sure that the infant will bring only trouble and will increase lynchings in the South. With the latter view I agree.

Nor can I sympathize with some of these other gentlemen who are complaining about Federal interference in State affairs, for I remember that no longer ago than the latter part of last October, P. W. A. and W. P. A. workers came into my home State of Michigan, so they could vote in the November election, and some of them, I am advised, were held over until after our April election this spring.

That was an imposition of Federal authority to which I strongly objected. Nevertheless, until today we suffered in silence, and I only speak of it now to explain my lack of sympathy with those who are now so bitterly complaining and who voted at one time something over \$4,000,000,000 to the President so that he might inoculate not only the States but all the little communities with this "federalitis" bug.

My heart today does not go out to you gentlemen of the South the way it should. You took the Negro vote away from the Republican Party by promising them all sorts of

things, and now when I, for instance, have a chance to get back some of that vote in my district by supporting an anti-lynching bill, we are given the opportunity of voting, not for a real antilynching bill, but for a bill which, on its face, inevitably would increase the wrong which you say you wish to eradicate.

You gentlemen of the Old South ask us to go along with you and vote against this bill. I for one am going with you, but not because of your complaint about "federalitis." I am going to vote against this bill—and I had intended to vote for an antilynching bill when I came into the House and before I read it—because it will not accomplish the ostensible purpose for which it was introduced. It will only aggravate the trouble it is supposed to eradicate.

In 1922 the Republicans of this House passed an antilynching bill, but the Democrats of the South over in the Senate killed it.

This bill may accomplish one thing, and that is to give the Democratic Party in New York City the votes of a few more colored people. If any Negro supports a Democrat because of the passage of this bill, it will be through a mistaken idea as to its terms.

This bill on its face states that it is for the purpose of extending the equal protection of the laws to all citizens and to punish the crime of lynching. If its terms did that, I would vote for it. But listen to its language. It provides, briefly, that when a mob or riotous assemblage without authority of law kills or injures "any person in the custody of any peace officer", with the purpose of depriving such person of due process of law or the equal protection of the laws, they shall be punished by a fine of not more than \$5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

Now, note the words "in the custody of any peace officer." The bill does not protect anyone else, nor does it punish any person or persons who commit the crime of lynching, unless they take the person lynched from the custody of a peace officer.

Lynchings occur in the communities where public sentiment is temporarily in favor of it and, as the gentleman from Tennessee and three or four others have today very clearly pointed out, the effect of these words, "any person in the custody of any peace officer", are words of limitation and will encourage lynching.

Just assume for a moment that a revolting crime has been committed; that John Jones is suspected of that crime; that the sheriff of the county knows of this suspicion; that a mob is about to gather, or has gathered together, with the intent to lynch John Jones.

Now, I ask you—and answer this question for yourself—assuming that the sheriff knows that a mob is about to form, or that the mob, having formed, intends to lynch John Jones; assume that the sheriff knows, as he will if this bill passes, that, if once he takes John Jones into his custody and thereafter John is lynched or injured, then he, the sheriff, becomes liable to a fine of \$5,000 and imprisonment for 5 years; will he hasten to take John Jones into custody, or will he wait before taking John into custody until he knows whether or not he can successfully protect him against the mob?

No sheriff confronted by this state of facts will think of taking John Jones into custody, of risking the danger of a lynching, knowing that, if he fails to protect John Jones, he himself may be sent to the penitentiary, until he has ascertained whether or not the mob really means business. When he learns that fact, it may be too late—John Jones may be dead—dead because the sheriff feared to take the chance of going to the penitentiary if he was unable to protect his prisoner.

The enactment of this bill withdraws from every man suspected of a crime in a community where lynching may take place the protection which the peace officer would otherwise be inclined to give him.

I shall vote against this bill. If it passes, as I assume it will, I shall offer an amendment to strike from its provisions the words "in the custody of any peace officer", and so



endeavor to amend the bill to make it effective to protect everyone who stands in danger of being denied the equal protection of the laws. [Applause.]

Mr. DUNN. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, I have heard it said on the floor today by Members that if this bill were enacted into law it would not stop lynching, and I have heard other Members say that if it were enacted into law it would stop lynching. I am sincere when I make the statement that I want to see the time come, and I hope it is not far distant, when lynching and mob violence will be discontinued.

A few years ago in the district I represent many poor, unfortunate Negroes were brought from the South and placed in the mills and factories to take the place of union men. I am not blaming the gentlemen from the South for this because I do not believe they were responsible. These colored people were brought to Pittsburgh, shoved into the mills, and, after working there a short time, were discharged and helplessly put on the streets. Many of them were sent to jail as vagrants. The southerners should not be criticized any more severely for the treatment of the Negroes than the people of the North and other parts of the country. No matter where the poor Negro goes he is not given a square deal by any class of people in the United States. Every broad-minded man will have to admit that Representatives from the Southern States have sponsored constructive, progressive, and humanitarian legislation which did not apply to one class but all classes of people.

We not only have race hatred in this country but we also have religious and national hatred. If the clergymen of every religious denomination in the world would preach the brotherhood of man instead of preaching to their congregations that their particular religion is the true and only religion, and that their religion was established by the great God of the Universe, and that all other religions are but the creation of man, it would undoubtedly banish from the hearts and minds of the majority of the people in the world the ignorance, superstition, and hatred which has caused and is causing a great deal of the human misery that now exists. People of every nationality, race, color, and creed have subjected themselves to unbearable torture and have sacrificed their lives for the betterment of mankind.

Mr. Chairman, I am for this bill, because I believe if it becomes a law it will prevent to a great degree lynching and mob violence. [Applause.]

The Clerk read as follows:

Sec. 3. (a) Any officer or employee of any State or governmental subdivision thereof who is charged with the duty or who possesses the power or authority as such officer or employee to protect the life or person of any individual injured or put to death by any mob or riotous assemblage or any officer or employee of any State or governmental subdivision thereof having any such individual in his custody, who fails, neglects, or refuses to make all diligent efforts to protect such individual from being so injured or being put to death, or any officer or employee of any State or governmental subdivision thereof charged with the duty of apprehending, keeping in custody, or prosecuting any person participating in such mob or riotous assemblage who fails, neglects, or refuses to make all diligent efforts to perform his duty in apprehending, keeping in custody, or prosecuting to final judgment under the laws of such State all persons so participating, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding 5 years, or by both such fine and imprisonment.

(b) Any officer or employee of any State or governmental subdivision thereof, acting as such officer or employee under authority of State law, having in his custody or control a prisoner, who shall conspire, combine, or confederate with any person who is a member of a mob or riotous assemblage to injure or put such prisoner to death without authority of law, or who shall conspire, combine, or confederate with any person to suffer such prisoner to be taken or obtained from his custody or control to be injured or put to death by a mob or riotous assemblage shall be guilty of a felony, and those who so conspire, combine, or confederate with such officer or employee shall likewise be guilty of a felony. On conviction the parties participating therein shall be punished by imprisonment of not less than 5 years or not more than 25 years.

Mr. CELLER. Mr. Chairman, I move to strike out the last word. I cannot let the statement of the gentleman from Iowa go by unchallenged with reference to crime statistics

in the city of New York. I anticipated attacks would be made upon the fair name of my city and I prepared myself with reference thereto. New York does pride itself, despite what you may say or think to the contrary, on the enforcement of its criminal statutes. In the first place, the record of the punishment of homicides throughout the country is 44 percent, and the record in New York City as to homicides is equally as good. With reference to what the gentleman said concerning homicides, I wish to put into the Record the exact number of homicides for a particular year, and I take the year 1932 as an example. I shall divide between homicides which are felonious and homicides through criminal negligence, like abortion, and justifiable homicides and accidental maiming resulting in homicide. We find this very significant situation, that the amount of felonious homicides in New York City in 1932, for example, a typical year, was 376. Of these the actual number of offenses was determined to be 328. Those who were cleared by arrest, 193, after trial; those who were not cleared after arrest, after trial, 135. In other words, almost all of them were given a trial, almost all of them were given an opportunity to have due process of law. That is the distinction with reference to New York and these other communities of which mention has been made this morning. We find this very significant situation, that the percentage of punishment of lynching in various States is as follows, and I get my facts from the University of North Carolina: All that Alabama has done with reference to punishment of lynchings is to punish to the extent of 4 percent; Georgia, 8 percent; Oklahoma, 3 percent; Virginia, 4 percent; Mississippi, 3 percent; Texas, 7 percent; Missouri, 3 percent. That is what my figures show, and you can get them from the University of North Carolina, particularly from the book by James H. Chadburn, professor of law of that university. Time will not permit my putting into the Record at this time more detailed figures. Suffice to say there is a shameful disregard of duty upon the part of the prosecuting officers in many of the States of the Union concerning punishment of lynchings.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. O'MALLEY. I want to point out to the gentleman that in spite of his overwhelming pride in his own city, the city that I represent, Milwaukee, has the lowest rate of homicides of any city in the United States.

Mr. McFARLANE. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. McFARLANE. How many homicides have there been in the city of New York for the last 5 years, and for each of those years how many of those murderers were sent to prison?

Mr. CELLER. I can tell the gentleman how many were sent to prison in the year 1932. Of the 328 cases, 135 went to prison, and 193 were cleared after trial. The figure for proximate years was similar.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PATRICK. Mr. Chairman, I rise in opposition to the pro forma amendment. Coming as a new Member of Congress, I have to say a few words to sort of clear up our votes, especially of those from the South. Is there any doubt in the minds of the people of this body of one thing, and that is that we all want to dispose absolutely and forever of the crime of lynching. Has anybody any doubt of that? No true citizen wants to see the faggot or noose of the lyncher. You see how the figures have gone. Do you not know that in the South, where lynchings have happened, that we want to get rid of lynching and dispose of it, and do you not suppose further that we know more about how to handle it in our section than anybody else on the face of God's earth? Do you not trust our sincerity and judgment? Will you not help us? The figures on the chart shown by the gentleman from Texas [Mr. SUMNERS] showed you how we have gone down the line in amazing decrease. Lord knows that we have tried to do it. I have been prosecuting attorney, and I have seen the time when



some great crisis would arise in our county, and the sheriff would get up at midnight and hurry to the place where the crime had been committed to get his hands on the poor unfortunate that might have committed the crime so that there would be no mob violence. With this law on the statute books what will the sheriff do? Will he hurry to get himself sent to the penitentiary for 5 years and get his county sued and that put on record against him? Are you discouraging lynching, or are you putting down a bar to start us back the other way? We do not want any lynching. We are the last people of the world who want the further stench of that thing in our nostrils. Let us in each section handle this thing the best way possible; we handle it the best we can, and in yours, the same for you.

Mr. ELLENBOGEN. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. ELLENBOGEN. Mr. Chairman, I do not believe that anyone who has looked into the lynching of both white and colored people and who has regard for the sanctity of human life and the equal protection of laws can oppose this bill. A lynching mob violates the rights guaranteed to a citizen of the United States by the Constitution. The mob seizes and imprisons its victim, deprives him of a trial in a court of law, tortures him, and finally puts him to death. Lynching is open defiance of law and of the courts.

Senator Costigan, a great humanitarian and eminent Member of the United States Senate, termed it "open and boastful anarchy."

Following the lynching at San Jose, Calif., President Roosevelt denounced it as "collective murder" and declared, "We do not excuse those in high or low places who condone lynch law."

Only 2 days ago, a horrible lynching occurred at Duck Hill, Miss. The report of the United Press, dated April 13, as it is contained in the Philadelphia Record, says that the victims were lynched by a Mississippi mob which tortured them with blow torches.

"Operating from a school bus, the mob of more than 300 men chained their victims to a tree and tortured them with fire."

No one can excuse or justify lynching, and I do not believe there is a Member in this House who would want to undertake to do so.

After all the agitation against lynching and for a Federal antilynching bill we had 39 lynchings in the last 2 years. Evidently the States alone cannot cope with this open and defiant resistance to law, and cannot assure to their inhabitants the protection of the laws and the sanctity of human life.

Lynchings have not been confined to Negroes. In many cases white people have been lynched by the most cruel and brutal methods. I will vote for this bill and hope it will pass.

Mr. KITCHENS. Mr. Chairman, I move to strike the last 10 lines.

Mr. Chairman, I have been in the city of Washington about 3 months. I see here, yonder and there, from all this Nation, questions of race and religion, and sections that are growing antagonistic. Anyone can perceive that.

We have just read the second paragraph of this bill, which says that when any State or county does thus or so the county will be liable for the damages that occur. That means that a State, under this law, if constitutional, will be liable for damages.

I told my people when I was running for this office that if I were elected, as I had enlisted three times in wars of the United States, serving twice in foreign countries, I would never vote to send an American boy beyond the confines of the American continent to fight the wars of anybody. Now, since I have been seeing this thing going on in Michigan, since I have been seeing what is going on up in Pennsylvania and in other States of this Union, I have thought seriously about whether I would ever be called upon to send soldiers of the United States Government into those States to shoot

down citizens. It is worrying me. I do not want them sent to my State to enforce this law. I will never vote to send an American soldier to shoot down an American citizen, except in case of a revolution. Yet we are having serious situations arise in this country. As the gentleman from Texas [Mr. SUMNERS] showed you, we are taking care of the situation in our part of the country. Lynching is being gradually eliminated. Several from the South who have spoken on this bill have been prosecuting officers at sometime in their lives. I have never been a prosecuting officer, but I have stood in defense of both black and white. I have stood in defense of a white man with a mob crying to lynch him, and he was later acquitted by a jury. I have stood in defense of two Negroes who were beaten, whipped, and the blood flowed from their bodies, and they were later released. The gentleman from New York [Mr. CELLER] says, "What have you done?" I will tell you. I helped to bury two of the finest sheriffs that Columbia County, State of Arkansas, or any other State, ever produced. They were trying faithfully to perform their duties down there and protect their people.

These matters will adjust themselves. The gentleman from New York [Mr. GAVAGAN] says there was sent down from Sinai the command, "Thou shalt not kill." That is true as to murder, but I question the gentleman's credentials. I would like to see his commission from God Almighty to come down into my section of the country and protect it.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. KITCHENS] has expired.

Mr. O'MALLEY. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I learned a great many things from this debate which in the 4 years I have been here I did not know about until today. First of all, I learned how many prosecuting attorneys had been elected to Congress. I learned likewise that practically everybody who had anything to say on this floor was against lynching, but that a great many of them did not want to do anything about it this way. They have not suggested any other way to do it, nor do we find any other bills that would suggest a better way. One bill was before the Committee on the Judiciary for 4 years and we were unable to get that bill onto this floor. With everybody against lynching, still some of us confess we are not able to arrive at a way to express our opinion in a law. Of course, the city I come from does not have any lynchings. We do not have any crime to speak about. I believe in 1935 we had only one willful murder. There is no other city in the Nation that has a record like that. That happens because the people of my city do not want crime. They do not approve of it and have had the moral courage to suppress it without fear or favor, politics, or expediency. Any section of the country that does not want lynching can stop it, I believe; but only in the past few days we see this most deplorable crime repeated right in the face of these expressions here in Congress. I do not think this is the most perfect bill in the world. I do not think this is the best bill that could be brought out, but I think it is a definite, worth-while expression of the Congress of the United States against this mob rule, and that is the reason I intend to vote for it. My vote is my expression of my opinion and the opinion of our people against disregard of law and order.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. O'MALLEY. I cannot yield right now.

I want to contrast the conduct of the sponsor of this bill in his liberality in allowing everybody to speak upon the bill who wanted to with the conduct which we experienced last Thursday when a bill came in here to investigate the sit-down strikes and another bill to investigate some propaganda someone alleged was being carried on in the United States.

That conduct of those controlling Thursday's time impressed me by its strictures and lack of debate. The sponsor of this bill has given all the opportunity to the opposition that it has desired to offer amendments that might point some better way out of this problem; and very few, if any, amendments have been forthcoming. Because this is the best bill that we could get on the floor of this House, because



it is the only bill that we could hope to act on at this session, and, while I do not think it is perfect, I intend to vote for it as an expression of my sentiment against lynching and mob rule.

Mr. RANDOLPH. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I have no desire to discuss the provisions of the pending measure. When the roll is called upon this bill, and there will be a roll call, I shall vote for what I believe to be right and best. My mind is already made up as to how I shall vote.

I resent, however, what the gentleman from Michigan said when he asserted that the Democratic Party did not receive the support of the Negro voters of this country until 1936. A large percentage of the Negro citizens of West Virginia voted for the election of President Roosevelt in 1932, before they were on the so-called relief of which the gentleman from Michigan speaks. They believed in 1932 that the Democratic Party held out promises to them. Those promises have become splendid performances; and I believe that the support the Negro has given to our party in 1932 and 1936 is simply significant of greater support in coming years. [Applause.]

[Here the gavel fell.]

Mr. SHANNON. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. SHANNON: Page 3, line 21, after the word "by", strike out "imprisonment of not less than 5 years or not more than 25 years" and insert "a fine not exceeding \$5,000 or imprisonment not exceeding 5 years, or by both such fine and imprisonment."

Mr. SHANNON. Mr. Chairman, my purpose in offering this amendment is to harmonize the penalties provided in the bill.

Paragraph (a) of section 3 provides for one penalty, and paragraph (b) of the same section provides for another penalty, much more severe.

The purpose in offering this amendment is to have some light shed on the reason why the penalty should be so different in different paragraphs of the same section.

Mr. GAVAGAN. Subparagraph (a) refers to an officer or an employee of a State. Subparagraph (b) presupposes a case where the person is in the custody of the officer at the time, and presupposes connivance on the part of the officer.

Mr. SHANNON. What objection can there be to making the penalties agree? Why not accept this amendment?

Mr. GAVAGAN. Because subparagraph (a) involves mere negligence. Subparagraph (b) involves connivance.

Mr. SHANNON. Conspiracy, and under the general Federal conspiracy law the punishment grades down from a penitentiary sentence to a fine and sentence in jail.

Mr. GAVAGAN. The framers of the bill thought that negligence or failure to do something, nonfeasance as it is called in law, should not be punished so severely as direct misfeasance.

Mr. SHANNON. The gentleman undertakes to define a conspiracy and to fix the penalty therefor.

Mr. Chairman, I hope the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The amendment was rejected.

The Clerk read the bill, as follows:

SEC. 4. The district court of the United States judicial district wherein the person is injured or put to death by a mob or riotous assemblage shall have jurisdiction to try and to punish, in accordance with the laws of the State where the injury is inflicted or the homicide is committed, any and all persons who participate therein: *Provided*, That it is first made to appear to such court (1) that the officers of the State charged with the duty of apprehending, prosecuting, and punishing such offenders under the laws of the State shall have failed, neglected, or refused to apprehend, prosecute, or punish such offenders; or (2) that the jurors obtainable for service in the State court having jurisdiction of the offense are so strongly opposed to such punishment that there is probability that those guilty of the offense will not be punished in such State court. A failure for more than 30 days after the commission of such an offense to apprehend or to indict the persons guilty thereof, or a failure diligently to prosecute such

persons, shall be sufficient to constitute prima facie evidence of the failure, neglect, or refusal described in the above proviso.

Mr. BARDEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have been quite interested in listening to the debate on this question. It is the first time I have seen a real exhibition of bitterness, or I might say, sectional bitterness, which is most regrettable. I regret to state that in my opinion this bill was conceived in prejudice and born of demagoguery. It is very difficult for me to understand why some so-called Democrats should permit themselves to indulge in the type of comment which they have indulged in, directing their thrusts at the South, the birth place of the Democratic Party and the great host of Democratic leaders coming from that section.

We of the South believe in States' rights. The Democratic Party has always taken that position and now we are confronted with a type of synthetic or veneered Democrat which not only refuses to recognize this principle but jeers at it. I wish to state that there is not a Member in this House or a person anywhere else that dislikes or detests the crime of lynching any more than I do. There is not one kind word that can be said of mob violence or the spirit which prompts or carries through lynching. The sentiment in my section is absolutely against it; the people of the South are just as cultured and refined as any people on the face of this earth; they are just as brave as any people on this earth. Our courts are headed by wise, brave, courageous, and intelligent judges. Our sheriff offices are filled with capable, law-abiding, and law-enforcing men who are elected by the people.

We in the South are friendly to the Negro. I am friendly to the Negro. I have occupied many positions where I have been able to do the Negro a lot of good, and I have never refused him yet. May I say to the gentleman from New York, I have spent more hours in their behalf than he has minutes.

I am sincere in my opposition to the bill, because I think it is a thrust at the distinguished, able judiciary of the South and at those noble and courageous gentlemen who occupy the sheriffs' offices and other law-enforcement offices in the South. I heard the gentleman from New York [Mr. FISH] address the House on Tuesday, and he established only two things: One, that he had ancestors; and the other, that he despised the South. It has not been many months since the gentleman was wooing the South with a great deal of ardor, and I am wondering why it is that he cannot love us in April as in November. We of the South have a great problem, and have had a great problem for a number of years. We believe we are working this problem out and we believe we are in better position to work it out than any other group, whether they be from Illinois, New York, or Connecticut.

Mr. Chairman, we have traveled a long way from the days of the reconstruction, when we had visited upon us the carpetbaggers, and everything else, from the wooden-nutmeg salesman from Connecticut on up. We think we have done a pretty good job under the circumstances. May I say that in my own section not one single incident of the kind which has been referred to as lynching or mob violence has happened in the last several years where anyone was injured but that every single offender was convicted, and I helped do it in some of the cases. [Applause.]

Do not tell me I am not sincere when I say I am opposed to lynching. Yes, I am opposed to it. My heart is just as sincere as yours could ever be when I say this.

Do not tell me this is going to stop lynching or retard it. If the good God above will save us in the South from the so-called volunteer reformers from Chicago, New York, and other sections, who have not time to give attention to the horrible gangster wars and machine-gun murders in their own sections and who know nothing of our troubles, I think the South will survive in good shape. [Applause.]

The Governor of North Carolina and every law enforcement officer within that State stands ready to protect any man from mob violence. This bill, in my opinion, puts a premium on the sheriff's failure to do his duty and a penalty on the innocent taxpayers of a community in which an



offense might occur, even though they despise it as much as anyone on earth.

No; I am not in favor of lynching. I will risk my life to prevent it, and the good sheriffs and judges down there will do the same thing. I am a friend of the Negroes in my section, and they know it. So is the Governor and other State officials. They call on me and talk to me about these problems. One of the finest Negro leaders in the South is located in my town, and he has talked to me about these problems. He is not in favor of putting a premium on lynching. He is in favor of retarding it. This bill will not retard it but will present a new problem and hamper our Governor and other State officials in the fine work which they are doing. Imagine penalizing innocent taxpayers of a county and placing State officials in jeopardy. If I thought this bill would stop lynching or prevent lynching, I would be willing to waive my views in this instance upon the question of State's rights and vote for it, but I do not believe such would be the case, and I believe the good colored people of this Nation have been misled and misinformed, and I am wondering if those who have taken the leading part in the misleading campaign have not been prompted by motives other than those disclosed.

Mr. VOORHIS. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I have sought this time because I want to express regret that this debate has resolved itself into an argument along sectional lines.

I believe it is true, as has been stated by a number of southern Members here today, that other sections of the country are just as guilty of having things like this happen as the South has ever been. I believe it is true that the southern Members who have spoken here today mean exactly what they say when they state that they are as much concerned about getting rid of lynching as anyone else; but I likewise believe there are a great many of us in this Hall who sincerely want to find a way to do something practical about this matter, not only because we feel it is an evil when a Negro is lynched but also because we have seen violence in our own sections of the country and because we know it is not just the South but other places as well that are in need of something being done along the line of this legislation.

I voted for the Mitchell bill because, though I knew it was not perfect, I felt that bill was almost sure to do some good in ridding our Nation of the terrible evil of lynching. This measure, I am frank to say, seems to me to be too extreme, not because I would not see us do everything possible to rid the Nation of lynching but because I am worried about reactions to the bill if it passes. I am sincerely hopeful, as stated by the gentleman from Ohio [Mr. HARLAN] a while ago, that we are not going to do something that is going to make matters worse. I am dead in earnest when I say I seek a way to do something to rid the Nation of this great danger and to protect every person in our country against lawless violence.

I would point out that it is not enough to say that mob action on the part of a group of citizens is "justified", because, after all, we must remember that even though such action may seem to be justified, orderly enforcement of law and orderly government necessarily depend upon the use of orderly and legal processes.

I wish we could remove any spirit of condemnation of one or another section from this debate. I wish we could look at the problem as men and as American citizens, viewing it from the standpoint of the faults in our own section or the prejudices within our own hearts that have led to such things, and get down to business so we may pass a measure that will do some good.

Probably in the end I shall vote for this measure, but I shall not vote for it because I want to cast any aspersions upon the southern section of this Nation. If I vote for it, it will be because I desire to do the best thing I have any power to do to help eliminate something that seems to me to be a great evil in every section of the Nation where it

raises its head and which by the wisest and best means that we can devise must be wiped out in our Nation. [Applause.]

Mr. O'NEILL of New Jersey. Mr. Chairman, I move to strike out the section.

Mr. Chairman, practically speaking, it has been suggested that this bill is designed to make the city of New York safe for the Democratic Party. If it does this, it is all right with me, and if any effort I may extend in helping to pass this bill will convince the Negroes in New Jersey that they will get as good a break from the Democratic Party as they will from the Republican, that is all right with me too, and it ought to be all right with the colleagues of my own party from the South, because they may remember that until some Democrats came here from the North they were not in the majority.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL of New Jersey. I yield to the gentleman.

Mr. BULWINKLE. Well, we were here, all the time, were we not, when you were not here? [Laughter.]

Mr. O'NEILL of New Jersey. The gentleman was here, and the reason there were not so many Democrats here from the North was because of the fact there had been debates in the Congress of the United States on lynching legislation before, and we could never get the colored vote.

Mr. Chairman, I do not regard this as a sectional piece of legislation, and I do not regard lynching as a sectional problem.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield again?

Mr. O'NEILL of New Jersey. I yield to the gentleman.

Mr. BULWINKLE. Do I understand the gentleman to say the reason he is here now is because we had some debates on an antilynching bill?

Mr. O'NEILL of New Jersey. I do not know whether the gentleman understood me to say that or not, but I did not say it.

Mr. BULWINKLE. Did the gentleman come here from a colored district or did the Negro vote send him here?

Mr. O'NEILL of New Jersey. Mr. Chairman, I would be pleased to discuss this matter later with the gentleman, but I have been trying all afternoon to get 5 minutes, and I have one point I want to make here.

I do not regard lynching as a racial problem, neither do I regard it as a sectional problem. I think it is entirely an American problem, and the indication that this bill will pass this afternoon with a proper display of American tolerance is gratifying to me. We may well recall the case suggested by the gentleman from Illinois, the California lynching of 3½ years ago. We might remember, too, that to this day there still exists grave doubt as to the guilt of at least one of the men lynched. That lynching involved no man of color. It was a white mob taking the law into their own hands and destroying, not a colored life but two white lives. How, then, does this become a sectional problem as insisted by the opponents of the bill? How does it become a racial problem?

Mr. Chairman, lynching is a heinous crime against American concepts and as such alone should it be treated. The gentleman from North Carolina wishes to know whether I represent a Negro district. I represent a number of Negroes, and I am grateful for the suffrage of those who voted to send me here, and I intend to represent them as vigorously as I would any other person in the district. I made such a statement during my campaign, not to an audience of Negroes but to an audience of whites. For years in New Jersey the Negro has been told that to send a Democrat to Congress would be to prevent the enactment of antilynching legislation. Today will give the lie to that. It is gratifying to perceive that the bill will pass and, I hope, with a fitting display of proper American tolerance. I am happy to be here to cast my vote for this measure to guarantee rights conferred by the Constitution. The bill does not attempt to protect anyone who commits a crime. It is designed to insure the proper functioning of the processes of law. [Applause.]



Mr. PHILLIPS. Mr. Chairman, I move to strike out the last word and ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PHILLIPS. Mr. Chairman, one of the Members a moment ago referred to citizens of our State of Connecticut as in the past selling wooden nutmegs. I take this opportunity to apologize for our ancestors in Connecticut inasmuch as they so imposed upon the ancestors of the gentleman who said people of our State had sold his ancestors wooden nutmegs instead of the genuine article.

I am not empowered to speak for the State of Connecticut, but only for a small section of it, the section right near the New York line, next to my friend's on the Republican side, Mr. MILLARD. We know the problems of New York, and we have respect in Connecticut for the way New York meets its problem, and equally we have respect and sympathy for our friends meeting their problems in the South. As far as I am concerned in this House at this time or any other, I care not where the chips may fall as regards how I vote, as long as I vote as I think is right, and, Mr. Chairman, you and I, all of us, vote according to the dictates of our conscience as we have been brought up to see the right from our mother's knee, and how else can we vote. I have never seen any bill in this House since I have been here that I have hated to vote for more than I have for this bill, because of the bitter passions it has aroused, and yet I vote for it, and am in favor of the bill, representing in my humble way the small section whence I come.

From the time that we in our section have been brought up from our mother's knee, just as you people everywhere else have been brought up to believe, I believe that there is a higher law than the law of the United States, that there is a higher constitution than the Constitution of the United States and that is the law under God Almighty Himself who judges us all. So we have to follow the consciences we have under that supreme judgment. We in our part of Connecticut do not criticize anyone, we indict no one. To the best of our humble ability we follow our consciences, and for this reason I favor this bill. Some of us believe this is the higher law, this is the unforgivable sin, namely, that any man who given the opportunity does not help this suffering human being or help any living thing, who withholds his help from any living thing or human being in suffering has committed, according to our consciences, the unforgivable sin. So I am voting for this bill and I hope there will be no more sectional talk or recrimination. I am voting for the bill according to the dictates of my conscience, conscious of this higher law, this supreme judgment.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. MURDOCK of Arizona. Mr. Chairman, I regret the sectional difficulties we have heard discussed here today. But evidently this is not a sectional question, for I have not heard anything about my section brought into the debate. We have in Arizona a considerable colored population, and as a school man, a college man, I have had many of these young people in my classes and they were of high quality. I have always treated colored students fairly, which they appreciate. I believe I can say with the same authority as my friend from that city of splendid record that there has not been a lynching of a colored person within the entire history of Arizona and I am proud of that fact.

I have risen at this moment to say one thing which is on my mind. The other day I voted not to consider the Mitchell bill, not because I was opposed to the subject matter of that bill, but because I was told the Gavagan bill was superior to it. A hasty consultation with office files revealed that I had received communications from an organization representing the colored people asking my support of the Gavagan bill. Now I find myself in this dilemma. After more considerate thought, I question the constitutionality of this Gavagan bill, should it become a law.

I know there are some who say if there is any doubt about the constitutionality of a bill it is the business of the law-

maker to go ahead and enact the law, if he thinks it necessary or desirable, and let the courts handle the question of constitutionality. I cannot agree with that attitude. I am perhaps presumptuous in this, being a layman, but I am one who has lately criticized the Supreme Court of the United States for declaring unconstitutional so many of the recent acts of needed legislation of this body. However, even so, I have never brought myself to believe that we ought to take away from that high tribunal the power of judicial review. Feeling that way, I believe we ought to be more conscientious about what kind of statutes we enact.

If this law is unconstitutional, and I am beginning to think it would be so held by the Court, it is certainly not my duty to enact it, and throw it into their laps for decision. It is because of that belief, and in spite of the fact that I should like to have some sort of legislation of this kind enacted to protect all classes of people, particularly the colored people, that I feel constrained to vote against this measure, because I seriously doubt its constitutionality.

Mr. DISNEY. Mr. Chairman, I move to strike out the last word. I should like to ask some of the lawyers on the committee a question or two about this section.

In line 1, on page 4, it reads, "the Federal court can punish, in accordance with the laws of the State", and so forth. Do you mean in accordance with the State procedure, or does the Federal judge get the last speech like he does with us? What is meant by that?

Mr. GAVAGAN. Does the gentleman want to ask me a question?

Mr. DISNEY. Yes. I am asking you a question.

Mr. GAVAGAN. That refers to procedure.

Mr. DISNEY. Then you have Federal procedure, trying people for murder in the Federal court; is that it?

Mr. GAVAGAN. No. You would have State procedure and rules of evidence.

Mr. DISNEY. Well, which does the gentleman mean then?

Mr. GAVAGAN. It means procedure existing in the locality.

Mr. DISNEY. Then we would have State procedure in a Federal court trying people for murder?

Now, under section 1 of the proviso, who is going to determine whether or not that section of the State has become outlaw? Is the Federal judge going to determine that?

Mr. GAVAGAN. Of course he determines if a basis exists for the operation of the statute.

Mr. DISNEY. Who is going to decide that the jurors are so prejudiced that they cannot return a fair verdict?

Mr. GAVAGAN. Provided a change of venue was sought upon that ground, the Federal judge would decide it on the evidence.

Mr. DISNEY. But you will have State procedure in the Federal court?

Mr. GAVAGAN. Yes. That is existing law in the Federal courts today. The Court follows State law and procedure excepting those cases where the Federal courts adopt a different rule.

Mr. DISNEY. Now, in the last sentence of that section you say, "a failure for more than 30 days after the commission of such an offense to apprehend or to indict the persons guilty thereof, or a failure diligently to prosecute such persons, shall be sufficient to constitute prima facie evidence of the failure, neglect, or refusal described in the above proviso."

Mr. GAVAGAN. Presumption of evidence; yes.

Mr. DISNEY. Then you are going to make that a felony for their failure to do that; is that correct?

Mr. GAVAGAN. No, no. You raise a presumption. I think I can clear the gentleman's mind. The last paragraph refers to the presumption of evidence; not the burden of proof, but the burden of going forward with the evidence. This presumption will aid in going forward with the evidence.

Mr. DISNEY. What are you going to do about your Federal people unless they catch him within 30 days and indict him? Suppose the State does not do it for 30 days and



the Federal Government does not do it? Then where do you go from there?

Mr. GAVAGAN. Oh, if you are going to presume they will not enforce this act—

Mr. DISNEY. Let me refer to section 3. You say:

Any officer or employee of any State or governmental subdivision thereof who is charged with the duty or who possesses the power or authority as such officer or employee to protect the life or person of any individual—

And so forth. In your State and in my State the Governor is charged with that duty, and you make him guilty of a felony under section 3.

Mr. GAVAGAN. I am glad the gentleman brought that up, because that has been misstated.

Mr. DISNEY. That is not a misstatement. In our State he is charged with that duty.

Mr. GAVAGAN. He is charged with that duty, I assume, in every State, but the prisoner must be in the custody of an officer before the officer can be liable under this bill. That is my interpretation of this bill.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

The Clerk read as follows:

Sec. 5. Any county in which a person is seriously injured or put to death by a mob or riotous assemblage shall be liable to the injured person or the legal representatives of such person for a sum not less than \$2,000 nor more than \$10,000 as liquidated damages, which sum may be recovered in a civil action against such county in the United States district court of the judicial district wherein such person is put to the injury or death. Such action shall be brought and prosecuted by the United States district attorney of the district in the United States district court for such district. If such amount awarded be not paid upon recovery of a judgment therefor, such court shall have jurisdiction to enforce payment thereof by levy of execution upon any property of the county, or may otherwise compel payment thereof by mandamus or other appropriate process; and any officer of such county or other person who disobeys or fails to comply with any lawful order of the court in the premises shall be liable to punishment as for contempt and to any other penalty provided by law therefor. The amount recovered shall be exempt from all claims by creditors of the deceased. The amount recovered upon such judgment shall be paid to the injured person, or where death resulted, distributed in accordance with the laws governing the distribution of an intestate decedent's assets than in effect in the State wherein such death occurred.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 4, beginning in line 18, strike out all of section 5.

Mr. SMITH of Virginia. Mr. Chairman, I realize that the hour is getting late. I further realize, after listening to the debate today, that it is utterly futile to discuss the merits, if any, of this piece of nonsensical legislation.

My amendment strikes out the entire section which undertakes to impose a fine upon subdivisions of sovereign States in this Union.

I do not care to discuss it other than to explain that that is what it does, and I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SMITH].

The question was taken; and on a division (demanded by Mr. GAVAGAN) there were ayes 102 and noes 93.

Mr. GAVAGAN. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed Mr. SMITH of Virginia and Mr. GAVAGAN to act as tellers.

The Committee again divided; and the tellers reported there were ayes 128 and noes 118.

So the amendment was agreed to.

The Clerk read as follows:

Sec. 6. In the event that any person so put to death shall have been transported by such mob or riotous assemblage from one county to another county during the time intervening between his seizure and putting to death, the county in which he is seized and the county in which he is put to death shall be jointly and severally liable to pay the forfeiture herein provided. Any district judge of the United States District Court of the judicial district wherein any suit or prosecution is instituted under the provisions of this act, may by order direct that such suit or prosecution be tried in any place in such district as he may designate in such order.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: Strike out all of section 6.

Mr. SMITH of Virginia. Mr. Chairman, again I will consume only 1 minute of the time of the House in explaining this amendment.

The purpose of this amendment is to strike out section 6 and merely complete the purpose of the amendment which struck out section 5.

I do not want to consume the time of the House, but I do want the amendment understood. It merely carries out the purpose of the amendment which struck out section 5.

Section 6 is that section which divides responsibility for the fine or penalty between the county in which the taking from the officer occurs and the county in which the lynching occurs.

Mr. McREYNOLDS. Mr. Chairman, will the gentleman yield for a question?

Mr. SMITH of Virginia. I yield.

Mr. McREYNOLDS. Is it not true that if this section stays in the bill that a man might be taken away from an officer in one county or one State and carried over into another, there be put to death, and that the people of that county, knowing nothing about it and being innocent, yet would suffer the penalty under this bill?

Mr. SMITH of Virginia. Yes; but with section 5 stricken out I think this section would be inoperative.

Mr. GAVAGAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this section and the previous section that was stricken by the teller vote constitute the heart of this bill. Do not fool yourselves about that. This bill will not be worth the paper it is written on if these amendments are adopted.

Now, I do not want to detain the House, but I serve notice right here and now that I am going to demand a separate roll-call vote on every one of these amendments. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

The Clerk read as follows:

Sec. 7. If any provision, sentence, or clause of this act or the application thereof to any person or circumstances is held invalid, the remainder of this act, and the application of such provision to other person or circumstances, shall not be affected thereby.

Mr. EBERHARTER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the action which was taken by the committee in eliminating sections 5 and 6, as the gentleman from New York has said, actually destroys the act entirely. I think the committee was very unwise in adopting the two amendments which have just been adopted.

For my part, I represent a district in the western part of Pennsylvania, the city of Pittsburgh, which is known as the workshop of the world. In that particular district there is a large percentage of colored population. I know that the intelligent and the God-fearing and law-abiding colored population of my district want this bill enacted into law. I know that the intelligent and the God-fearing and the law-abiding white people of my district want this bill enacted into law. I say that if these people want it enacted into law for that reason, I should vote for the bill, and I will vote for the bill. I think it is a good bill. It should be passed as drawn without these amendments. I hope that when the matter comes to a record vote that these amendments will be reinserted and that the bill will be passed by the House as drawn.

The bill will take away from the good people of this district in which I live the fear which the colored people have always had. It will make for more harmony and more peace; and I say that this House should go on record by passing the bill and reasserting its faith in the fourteenth amendment to the Constitution of the United States.



Mr. COOLEY. Mr. Chairman, I move to strike out the last section.

I apologize for imposing upon the patience of the House at this late hour of the evening. I feel certain that most of my colleagues have already made up their minds upon the bill now under consideration, and I have no idea that anything that I might say will alter the course of any one of you. However, I would not be true to my own feelings if I did not at this time state that I am unalterably opposed to this legislation. I am particularly opposed to certain sections of the bill which I consider not only unconstitutional but vicious and un-American. I have reference to those sections which have just been voted out under the amendment offered by the distinguished gentleman from Virginia [Mr. SMITH]. These two sections, nos. 5 and 6, seek to penalize innocent subdivisions of sovereign States and to make inaction on the part of law-abiding, God-fearing people a crime and to provide for the imposition of heavy penalties upon innocent counties and communities in which a person is seriously injured or put to death by a lawless mob or riotous assemblage which may have invaded their county, perhaps, in the dead hours of the night, while the citizens of that county, including the officers of the law, were sleeping in peace with God and their fellow men and wholly ignorant and innocent of the perpetration of any offense against the law. What could be more ridiculous, more unconstitutional, or more un-American than a law subjecting an innocent people to the pains and penalties of a criminal statute and to a judgment for liquidated damages in the amount of \$10,000 for the commission of an offense of which they were wholly innocent and which might have been committed even while they were sleeping in the comfort and quietude of a law-abiding community? That is one provision of this iniquitous measure.

Section 5 further provides that in the event the amount awarded as liquidated damages is not paid upon recovery of a judgment, thereafter such court, meaning the United States district court, shall have jurisdiction to enforce payment thereof by levy of execution upon any property of the county, or may otherwise compel payment thereof by mandamus or "other appropriate process." What is meant by "appropriate process"? It means, of course, the use of the full force of the law enforcement agencies of the Federal Government, which includes the use of soldiers if the situation necessitates the use of them. What a drastic and unusual use of Federal power. Imagine the Federal Government using its law enforcement agencies and its soldiers in enforcing the collection of a penalty imposed upon a subdivision of a sovereign State.

When the suggestion was made on the floor of the House yesterday that this section provided for the imposition of a penalty upon an "innocent county" the gentleman from New York, the author of this vicious and iniquitous measure, took the position that in the event injury or death was inflicted upon the body of any person taken from the custody of officers of the law in a particular county, regardless of the circumstances in connection with the commission of the offense, the county in which the crime was consummated was not an innocent county and should, therefore, be subjected to the penalty provided. People do not commit crimes while they are asleep. One must be conscious of guilt before he is guilty in law or must demonstrate a reckless disregard of the rights and privileges of others and be guilty of culpable negligence before he can be subjected to the penalties of a criminal statute.

If an atrocious crime is committed in the bosom of one community and the malefactor is apprehended by the sheriff, who does his very best to protect his prisoner, even to the extent of jeopardizing his own life, and a mob of enraged citizens place violent hands upon the prisoner, take him from the sheriff, and carry him even hundreds of miles to a remote community and there injure or put him to death without the knowledge of the citizens of that community, and the law-enforcement agencies who are charged with the duty of protecting the citizens of that community, the county, however innocent it may be, will be subjected to the

heavy penalty provided in this section. Such an absurdity has never been written into the law of any civilized state or nation, and yet we are asked to vote for this measure. I will welcome a roll-call vote, and I will welcome an opportunity to vote against this shocking and un-American measure and every word and every syllable of it. [Applause.]

Can it be possible that an intelligent Congress will be foolish enough to vote for such a measure?

Great crimes are often committed under the dark shadows of night and while law-abiding citizens are resting in the quietude of their homes. Imagine the people of a law-abiding community awaking in the morning to find that a lawless mob from some distant county or State has abused or lynched some brute in the form of a man in their county in the dead hours of the night and perhaps left his body hanging from a limb of a tree; no matter how enraged they may be over such a display of violence and no matter how innocent they may be, yet they will be subject to the penalties of this statute which we are asked by our votes to visit upon them. This is such an outrage upon our American sense of justice that it will never be tolerated or enforced in any self-respecting Commonwealth of this Union.

This bill should be called a bill to encourage lynching. If we pass this measure, in my opinion, lynching will increase rather than decrease. If the officers of the law fail to take the accused person into custody after diligent efforts to do so and the person is seized by a mob and lynched there is no liability upon the officers or the county. If the officer actually takes the person into custody and he is by force and violence taken from him and injured or put to death then the officer may be tried, convicted, and subjected to fine and imprisonment and condemned to wear the stripes of a felon and a fine imposed upon his county. Will this provision encourage diligent or dilatory tactics on the part of the officers of the law?

This bill includes not only sheriffs, deputy sheriffs, jailers, and constables, but also prosecuting officers, trial judges, and even the Governors of our 48 States. If any of them are accused of failing, neglecting or refusing "to make all diligent efforts" to protect such individual from being injured or put to death then they may be haled before the Federal court and placed on trial and upon conviction subjected to the penalties of the law.

I am unwilling to insult the integrity and the patriotism of the law-enforcement officers of my district, my State, and the Nation by voting for a measure which is predicated upon the idea that they might become particeps criminis in mob violence and lawlessness and murder.

I know from experience that the law-enforcement officers of my State, from the Governor down to and including every township constable, abhor lynching and make diligent efforts to protect all persons accused of crime. In many instances our officers jeopardize life and limb and property in protecting their prisoners. When a person is lynched we hear a lot about it. When officers of the law protect their prisoners even at the risk of their own lives they are too seldom commended for it.

Intelligent people know that we cannot by the enactment of law control the passions of the human race. Even while our soldiers were fighting, bleeding, and dying on the far-flung battlefields of France, defending the principles upon which this great Nation was founded and making the supreme sacrifice that we might live in a land of law and order, lynchings occurred in different sections of this Republic. Even during the progress of the debate on this measure, mob violence has lifted its head and men have been lynched. Until men learn to control their human instincts, mob violence, murder, and homicide will continue in exact ratio with the rise and fall of the barometer of human passions.

Lynch law was once the *lex loci* of the frontier, but there is no place for it in an enlightened society in which there exist tribunals for the punishment of those who have violated the law. Yet occasionally a horrible and revolting crime is committed and men rise up and take the law into their own hands. This can neither be justified nor excused,



but we are not helping the situation by passing this law, which is nothing more nor less than vicious demagoguery which seeks by "mob violence" to lynch the Constitution and every principle of American justice. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. COOLEY) there were—ayes 83, noes 133.

So the amendment was rejected.

The CHAIRMAN. Under the resolution, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. O'CONNOR of New York, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, under the resolution, he reported the same back to the House with sundry amendments.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. GAVAGAN. Mr. Speaker, I demand a separate vote on each amendment, or if we may, under the parliamentary procedure, vote on both amendments en bloc, this would be satisfactory to me.

The SPEAKER. Is a separate vote demanded on either amendment?

Mr. GAVAGAN. Yes; a separate vote is demanded on each amendment.

The SPEAKER. If the gentleman from New York does not demand a separate vote, the amendments will be voted on en bloc.

Mr. GAVAGAN. Then I have no disposition to demand a separate vote.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and the Chair being in doubt, the House divided; and there were—ayes 141, noes 163.

Mr. SMITH of Virginia. Mr. Speaker, I demand tellers.

The SPEAKER. On this vote the gentleman from Virginia demands tellers.

Mr. GAVAGAN. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. GAVAGAN. I do not believe the gentleman's request has come in time. The Chair had announced the vote.

Mr. SMITH of Virginia. Mr. Speaker, I was on my feet before the Chair announced the vote.

Mr. GAVAGAN. The Chair had also announced that the amendments had not been agreed to. Under the rules of the House, I respectfully submit, it is too late now for the gentleman's request.

The SPEAKER. The gentleman from Virginia was on his feet requesting tellers on this vote.

Mr. SNELL. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 252, answered "present" 1, not voting 39, as follows:

[Roll No. 45]

YEAS—139

Allen, La.	Colmer	Green	Leavy
Allen, Pa.	Cooley	Gregory	Lewis, Colo.
Atkinson	Cooper	Griffith	McClellan
Barden	Cox	Hamilton	McFarlane
Biermann	Cravens	Hancock, N. Y.	McGroarty
Bland	Deen	Hendricks	McMillan
Boren	DeRouen	Hill, Ala.	McReynolds
Brooks	Dies	Hill, Okla.	Mahon, S. C.
Brown	Disney	Hoffman	Mahon, Tex.
Buck	Doughton	Hook	Maloney
Bulwinkle	Doxey	Houston	Mansfield
Burch	Drewry, Va.	Jarman	Massingale
Caldwell	Driver	Johnson, Okla.	Maverick
Cannon, Mo.	Duncan	Johnson, Tex.	May
Cartwright	Faddis	Jones	Miller
Chandler	Fernandez	Kee	Mills
Chapman	Ford, Miss.	Kerr	Mitchell, Tenn.
Clark, N. C.	Frey, Pa.	Kitchens	Moser, Pa.
Coffee, Nebr.	Fuller	Kieberg	Mott
Cole, Md.	Fulmer	Knutson	Murdock, Ariz.
Cole, N. Y.	Garrett	Lambeth	Murdock, Utah
Collins	Gasque	Lanham	Nelson

Nichols  
O'Neal, Ky.  
Owen  
Pace  
Patman  
Patrick  
Patton  
Pearson  
Peterson, Fla.  
Peterson, Ga.  
Phillips  
Poage  
Polk

Ramspeck  
Rankin  
Rayburn  
Richards  
Robertson  
Rogers, Okla.  
Romjue  
Sanders  
Smith, Conn.  
Smith, Va.  
South  
Sparkman  
Spence

Steagall  
Summers, Tex.  
Taber  
Tanner  
Taylor, S. C.  
Terry  
Thomas, Tex.  
Thomason, Tex.  
Turner  
Umstead  
Vinson, B. M.  
Vinson, Ga.  
Voorhis

Warren  
Wearin  
Weaver  
West  
Wheelchel  
White, Idaho  
Whittington  
Willcox  
Williams  
Woodrum  
Zimmerman  
The Speaker

NAYS—252

Aleshire  
Allen, Del.  
Allen, Ill.  
Amle  
Anderson, Mo.  
Andresen, Minn.  
Arends  
Arnold  
Ashbrook  
Barry  
Bates  
Beam  
Beiter  
Bernard  
Bigelow  
Bloom  
Boehne  
Boileau  
Boland, Pa.  
Boyer  
Boylan, N. Y.  
Bradley  
Brewster  
Buckler, Minn.  
Burdick  
Byrne  
Carlson  
Case, S. Dak.  
Casey, Mass.  
Celler  
Champion  
Church  
Citron  
Clason  
Claypool  
Cluett  
Cochran  
Coffee, Wash.  
Colden  
Connery  
Costello  
Crawford  
Creal  
Crosby  
Crosser  
Crowe  
Crowther  
Cullen  
Curley  
Daly  
Delaney  
Dempsey  
DeMuth  
Dickstein  
Dingell  
Dirksen  
Ditter  
Dixon  
Dockweiler  
Dondero  
Dorsey  
Douglas  
Dowell

Drew, Pa.  
Dunn  
Eberharter  
Eckert  
Edmiston  
Eicher  
Ellenbogen  
Engel  
Englebright  
Evans  
Farley  
Fitzgerald  
Fitzpatrick  
Flannery  
Fleger  
Fletcher  
Fordand  
Ford, Calif.  
Fries, Ill.  
Gambrill  
Gavagan  
Gehrmann  
Gifford  
Gildea  
Gingery  
Goldsborough  
Gray, Ind.  
Gray, Pa.  
Greever  
Griswold  
Guyer  
Haines  
Halleck  
Harlan  
Harrington  
Hart  
Hartley  
Havenner  
Healey  
Hennings  
Higgins  
Hildebrandt  
Hill, Wash.  
Honeyman  
Hope  
Hull  
Hunter  
Imhoff  
Izac  
Jacobsen  
Jarrett  
Jenckes, Ind.  
Jenkins, Ohio  
Jenks, N. H.  
Johnson, Minn.  
Johnson, W. Va.  
Keller  
Kelly, Ill.  
Kelly, N. Y.  
Kennedy, Md.  
Kennedy, N. Y.  
Kenney  
Keogh

Kinzer  
Kilrwan  
Kloeb  
Kniffin  
Kocialkowski  
Kopplemann  
Kramer  
Kvale  
Lambertson  
Lamneck  
Lanzetta  
Larrabee  
Lemke  
Lesinski  
Lewis, Md.  
Long  
Lord  
Lucas  
Luce  
Luckey, Nebr.  
Ludlow  
Luecke, Mich.  
McAndrews  
McCormack  
McGranery  
McGrath  
McKeough  
McLaughlin  
McLean  
Maas  
Magnuson  
Mapes  
Martin, Colo.  
Martin, Mass.  
Mason  
Mead  
Meeks  
Merritt  
Michener  
Millard  
Mitchell, Ill.  
Mosier, Ohio  
Norton  
O'Brien, Ill.  
O'Brien, Mich.  
O'Connell, Mont.  
O'Connor, Mont.  
O'Connor, N. Y.  
O'Day  
O'Leary  
O'Malley  
O'Neill, N. J.  
O'Toole  
Oliver  
Palmsano  
Patterson  
Pettengill  
Peysor  
Pfeifer  
Plumley  
Powers  
Quinn  
Rabaut

Ramsay  
Randolph  
Reece, Tenn.  
Reed, Ill.  
Reed, N. Y.  
Rees, Kans.  
Reilly  
Rich  
Rigney  
Robinson, Utah  
Robison, Ky.  
Rogers, Mass.  
Rutherford  
Ryan  
Sacks  
Sadowski  
Sauthoff  
Schaefer, Ill.  
Schneider, Wis.  
Schulte  
Scott  
Secrest  
Seger  
Shafer, Mich.  
Shanley  
Shannon  
Short  
Sirovich  
Smith, Maine  
Smith, Wash.  
Smith, W. Va.  
Snell  
Snyder, Pa.  
Somers, N. Y.  
Stack  
Stefan  
Sullivan  
Sutphin  
Sweeney  
Swope  
Taylor, Tenn.  
Teigan  
Thom  
Thomas, N. J.  
Thompson, Ill.  
Thurston  
Tinkham  
Tobey  
Tolan  
Towey  
Transue  
Treadway  
Wallgren  
Walter  
Welch  
Wene  
White, Ohio  
Wigglesworth  
Withrow  
Wolcott  
Wolfenden  
Wolverton  
Woodruff

ANSWERED "PRESENT"—1

Wadsworth

NOT VOTING—39

Andrews	Cummings	Hancock, N. C.	Pierce
Bacon	Eaton	Harter	Sabath
Bell	Ferguson	Hobbs	Schuetz
Binderup	Fish	Holmes	Scrugham
Boykin	Flannagan	Lea	Sheppard
Buckley, N. Y.	Gearhart	McGehee	Starnes
Cannon, Wis.	Gilchrist	McSweeney	Taylor, Colo.
Carter	Goodwin	Mouton	Vinson, Fred M.
Clark, Idaho	Greenwood	O'Connell, R. I.	Wood
Culkin	Gwynne	Parsons	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. BANKHEAD, and he voted "aye."

Mr. WIGGLESWORTH, Mr. GRISWOLD, Mr. ANDERSON of Missouri, and Mr. ALLEN of Delaware changed their vote from "yea" to "nay."

Mr. NICHOLS and Mr. GREEN changed their votes from "nay" to "yea."

Mr. WADSWORTH. Mr. Speaker, may I ask if the gentleman from New York, Mr. FISH, is recorded as voting?



The SPEAKER. The gentleman from New York [Mr. Fish] is not recorded.

Mr. WADSWORTH. Mr. Speaker, I have a pair with the gentleman from New York, Mr. Fish. Were he present, he would vote "nay" upon this question. I voted "yea"; but in view of my pair, I ask unanimous consent to withdraw my vote.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MANSFIELD. Mr. Speaker, I do not know whether I can qualify to vote on this roll call or not.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. MANSFIELD. Mr. Speaker, I was at the door, just getting here from a conference, when my name was called.

The SPEAKER. The gentleman does not qualify unless he was in the Chamber at the time his name was called.

Mr. MANSFIELD. I cannot say I was inside the Chamber.

Mr. MAGNUSON. Mr. Speaker, I believe the gentleman from Texas [Mr. MANSFIELD] is mistaken when he states he was not in the Hall when his name was called. I happened to be looking at the time because I am in the "M's" also, and I saw the gentleman coming through the door.

The SPEAKER. Was the gentleman from Texas within the portals of the Chamber when his name was called?

Mr. MANSFIELD. I may state to the Speaker that I do not know positively whether I was or not. Just as I got inside the doorway my attention was called to the fact that my name had been called.

The SPEAKER. The Chair will take the assurance of the gentleman from Washington, Mr. MAGNUSON, that the gentleman from Texas was present. How does the gentleman from Texas desire to vote?

Mr. MANSFIELD. I vote "yea", Mr. Speaker.

Mr. DOXEY. Mr. Speaker, my colleague, the gentleman from Mississippi, Mr. McGEHEE—

The SPEAKER. Does the gentleman desire to announce how his colleague would vote?

Mr. DOXEY. I do not want to violate any of the rules of the House, Mr. Speaker, but I want to announce the fact that he is unavoidably absent from the Chamber.

Mr. SNELL. Mr. Speaker, I make a point of order against any such announcement in view of the ruling of the Speaker on yesterday.

The SPEAKER. Under the ruling of the Chair the Chair cannot entertain a statement about how a Member would have voted.

So the amendments were rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Starnes (for) with Mr. Gilchrist (against).  
Mr. Hobbs (for) with Mr. Eaton (against).  
Mr. Wadsworth (for) with Mr. Fish (against).  
Mr. Pierce (for) with Mr. Binderup (against).  
Mr. Hancock of North Carolina (for) with Mr. Parsons (against).  
Mr. Mouton (for) with Mr. Bacon (against).  
Mr. McGehee (for) with Mr. Sheppard (against).  
Mr. Boykin (for) with Mr. Holmes (against).  
Mr. Flannagan (for) with Mr. Harter (against).

General pairs:

Mr. Sabath with Mr. Gwynne.  
Mr. Taylor of Colorado with Mr. Carter.  
Mr. Fred M. Vinson with Mr. Goodwin.  
Mr. Schuetz with Mr. Gearhart.  
Mr. Greenwood with Mr. Culklin.  
Mr. Wood with Mr. Andrews.  
Mr. Clark of Idaho with Mr. O'Connell of Rhode Island.  
Mr. Lea with Mr. Scrugham.  
Mr. McSweeney with Mr. Buckley of New York.  
Mr. Ferguson with Mr. Cummings.

The result of the vote was announced as above recorded.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. SNELL. Mr. Speaker, I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 277, nays 120, answered "present" 1, not voting 33, as follows:

[Roll No. 46]

YEAS—277

Aleshire	Eberharter	Kirwan	Randolph
Allen, Del.	Eckert	Kloeb	Reece, Tenn.
Allen, Ill.	Edmiston	Kniffin	Reed, Ill.
Allen, Pa.	Eicher	Kocalkowski	Reed, N. Y.
Amle	Ellenbogen	Kopplemann	Rees, Kans.
Anderson, Mo.	Engel	Kramer	Reilly
Andresen, Minn.	Englebright	Kvale	Rich
Arends	Evans	Lambertson	Rigney
Arnold	Faddis	Lamneck	Robinson, Utah
Ashbrook	Farley	Lanzetta	Robson, Ky.
Barry	Fitzgerald	Larrabee	Rogers, Mass.
Bates	Fitzpatrick	Lea	Rutherford
Beam	Flannery	Lemke	Ryan
Belter	Fieger	Lesinski	Sabath
Bernard	Fletcher	Lewis, Md.	Sacks
Bigelow	Forand	Long	Sadowski
Bloom	Ford, Calif.	Lord	Sauthoff
Boehne	Frey, Pa.	Lucas	Schaefer, Ill.
Boileau	Fries, Ill.	Luce	Schneider, Wis.
Boland, Pa.	Gambrill	Luckey, Nebr.	Schulte
Boren	Gavagan	Ludlow	Scott
Boyer	Gehrmann	Luecke, Mich.	Secrest
Boylan, N. Y.	Gifford	McAndrews	Seger
Bradley	Gildea	McCormack	Shafer, Mich.
Brewster	Gingery	McGranery	Shanley
Buck	Goldsborough	McGrath	Shannon
Buckler, Minn.	Gray, Ind.	McKeough	Short
Burdick	Gray, Pa.	McLaughlin	Sirovich
Byrne	Greever	McLean	Smith, Conn.
Carlson	Griswold	Maas	Smith, Maine
Case, S. Dak.	Guyer	Magnuson	Smith, Wash.
Casey, Mass.	Gwynne	Mapes	Smith, W. Va.
Celler	Haines	Martin, Colo.	Snell
Champion	Halleck	Martin, Mass.	Snyder, Pa.
Church	Hancock, N. Y.	Mason	Somers, N. Y.
Citron	Harlan	Maverick	Stack
Clason	Harrington	Mead	Stefan
Claypool	Hart	Meeks	Sullivan
Cluett	Hartley	Merritt	Sutphin
Cochran	Havener	Michener	Sweeney
Coffee, Wash.	Healey	Millard	Swope
Colden	Hennings	Mitchell, Ill.	Taber
Cole, Md.	Higgins	Mosier, Ohio	Taylor, Tenn.
Connery	Hildebrandt	Mott	Teigan
Costello	Hill, Okla.	Nichols	Thom
Crawford	Hill, Wash.	Norton	Thomas, N. J.
Creal	Honeyman	O'Brien, Ill.	Thompson, Ill.
Crosby	Hope	O'Brien, Mich.	Thurston
Crosser	Houston	O'Connell, Mont.	Tinkham
Crowe	Hull	O'Connell, R. I.	Tobey
Crowther	Hunter	O'Connor, Mont.	Tolan
Culkin	Imhoff	O'Connor, N. Y.	Towey
Cullen	Izac	O'Day	Transue
Curley	Jacobsen	O'Leary	Treadway
Daly	Jarrett	O'Malley	Voorhis
Delaney	Jenckes, Ind.	O'Neill, N. J.	Wallgren
Dempsey	Jenkins, Ohio	O'Toole	Walter
DeMuth	Jenks, N. H.	Oliver	Wearin
Dickstein	Johnson, Minn.	Palmisano	Welch
Dingell	Johnson, Okla.	Patterson	Wene
Dirksen	Johnson, W. Va.	Pettengill	White, Ohio
Ditter	Kee	Peysner	Wigglesworth
Dixon	Keller	Pfeifer	Withrow
Dockweiler	Kelly, Ill.	Phillips	Wolcott
Dondero	Kelly, N. Y.	Plumley	Wolfenden
Dorsey	Kennedy, Md.	Polk	Wolverton
Douglas	Kennedy, N. Y.	Powers	Woodruff
Dowell	Kenney	Quinn	
Drew, Pa.	Keogh	Rabaut	
Dunn	Kinzer	Ramsay	

NAYS—120

Allen, La.	Doughton	Lanham	Patton
Atkinson	Doxey	Leavy	Pearson
Barden	Drewry, Va.	Lewis, Colo.	Peterson, Fla.
Biermann	Driver	McClellan	Peterson, Ga.
Bland	Duncan	McFarlane	Poage
Brooks	Fernandez	McGroarty	Ramspeck
Brown	Ford, Miss.	McMillan	Rankin
Bulwinkle	Fuller	McReynolds	Rayburn
Burch	Fulmer	Mahon, S. C.	Richards
Caldwell	Garrett	Mahon, Tex.	Robertson
Cannon, Mo.	Gasque	Maloney	Rogers, Okla.
Cartwright	Green	Mansfield	Romjue
Chandler	Gregory	Massingale	Sanders
Chapman	Griffith	May	Smith, Va.
Clark, N. C.	Hamilton	Miller	South
Coffee, Nebr.	Hendricks	Mills	Sparkman
Cole, N. Y.	Hill, Ala.	Mitchell, Tenn.	Spence
Collins	Hoffman	Moser, Pa.	Steagall
Colmer	Hook	Mouton	Summers, Tex.
Cooley	Jarman	Murdock, Ariz.	Tarver
Cooper	Johnson, Tex.	Murdock, Utah	Taylor, S. C.
Cox	Jones	Nelson	Terry
Cravens	Kerr	O'Neal, Ky.	Thomas, Tex.
Deen	Kitchens	Owen	Thomason, Tex.
DeRouen	Kleberg	Pace	Turner
Dies	Knutson	Patman	Umstead
Disney	Lambeth	Patrick	Vincent, B. M.



Vinson, Ga.	West	Whittington	Woodrum
Warren	Whelchel	Wilcox	Zimmerman
Weaver	White, Idaho	Williams	The Speaker

ANSWERED "PRESENT"—1

Wadsworth

NOT VOTING—33

Andrews	Cummings	Hancock, N. C.	Scrugham
Bacon	Eaton	Harter	Sheppard
Bell	Ferguson	Hobbs	Starnes
Binderup	Fish	Holmes	Taylor, Colo.
Boykin	Flannagan	McGehee	Vinson, Fred M.
Buckley, N. Y.	Gearhart	McSweeney	Wood
Cannon, Wis.	Gilchrist	Parsons	
Carter	Goodwin	Pierce	
Clark, Idaho	Greenwood	Schuetz	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. BANKHEAD, and he answered "no."

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. Fish (for) with Mr. Wadsworth (against).  
 Mr. Gilchrist (for) with Mr. Starnes (against).  
 Mr. Eaton (for) with Mr. Hobbs (against).  
 Mr. Parsons (for) with Mr. Hancock of North Carolina (against).  
 Mr. Sheppard (for) with Mr. McGehee (against).  
 Mr. Holmes (for) with Mr. Boykin (against).  
 Mr. Harter (for) with Mr. Flannagan (against).  
 Mr. Binderup (for) with Mr. Pierce (against).  
 Mr. Bacon (for) with Mr. Andrews (against).

Additional general pairs:

Mr. Taylor of Colorado with Mr. Carter.  
 Mr. Fred M. Vinson with Mr. Goodwin.  
 Mr. Schuetz with Mr. Gearhart.  
 Mr. McSweeney with Mr. Buckley of New York.  
 Mr. Ferguson with Mr. Cummings.  
 Mr. Bell with Mr. Clark of Idaho.  
 Mr. Greenwood with Mr. Wood.  
 Mr. Scrugham with Mr. Patrick.

Mr. WADSWORTH. Mr. Speaker, how is the gentleman from New York [Mr. Fish] recorded?

The SPEAKER. The gentleman is not recorded.

Mr. WADSWORTH. Mr. Speaker, I have a pair with the gentleman from New York, Mr. Fish, on this vote. Were he present, he would have voted "yea." When my name was called, I voted "no." In view of the fact, I withdraw my vote of "no" and answer "present."

Mr. WOLCOTT changed his vote from "no" to "aye."

The result of the vote was announced as above recorded.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GENERAL LEAVE TO PRINT

Mr. GAVAGAN. Mr. Speaker, I ask unanimous consent that each Member of the House have 5 legislative days within which to extend his own remarks upon the bill just passed.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. LUCKEY of Nebraska. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the Pettengill bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain excerpts from a statement by Mr. Wilson. I have an estimate.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. THOMAS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a short editorial appearing in the Houston Post of about 500 words concerning the Army engineers.

The SPEAKER. Is there objection?

There was no objection.

# AGRICULTURAL APPROPRIATION BILL, 1938

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection?

There was no objection.

## ECONOMY, DEFICITS, OR INCREASED TAXES

Mr. CANNON of Missouri. Mr. Speaker, the agricultural appropriation bill will be reported to the House Monday, and it is my understanding that the committee will be authorized to call it up during the coming week.

The agricultural appropriation bill is perhaps of more general interest and touches intimately a larger number of districts than most of the supply bills. For that reason numbers of Members usually appear before the committee with requests for increases of current appropriations or funds for the establishment of new activities during the hearings on the bill. This year the requests have exceeded previous years both in number of projects proposed and in the amounts requested. A large part of the membership of the House has been before the committee, and I regret to say it has been necessary for the committee to deny practically all applications in excess of the Budget estimates. Unfortunately some have been disposed to interpret the attitude and action of the committee as personal, and I would like to take advantage of the opportunity to assure all who came before us that every effort was made to comply with the suggestions made by our colleagues, and no request was denied for any reason save lack of funds. As it is, we are submitting the largest total appropriation ever reported to the Congress for the purpose. Had we granted all requests it would have been necessary to sell the site of the Treasury itself to provide the funds to finance the bill.

So, I wish to ask the indulgence of Members toward the members of the committee, and to ask the support of the House in protecting the bill from amendments providing further increases when it comes up on the floor. It is an unpleasant duty to be compelled to deny a colleague an appropriation he considers necessary for his district and if the committees err, as they frequently do, it is always on the side of prodigality rather than parsimony. Various amendments will be offered, many of them of great merit and of wide appeal. Unquestionably the money would be well spent for the purpose proposed but there is a limit to the amount we can allocate to this bill and it is necessary to cut the coat to the cloth. I trust the membership of the House will have this in mind and will be inclined to take into consideration the unusual fiscal situation which confront the country today.

For 7 years the Government has been operating on borrowed money. We are now entering on the eighth year in which the national expenditures have exceeded the national income. Nineteen billion dollars have been added to the national debt and it is still increasing.

As far back as 1933 fiscal reports indicated an approach to a balanced Budget and we were told that if a way could be found to add \$120,000,000 to \$135,000,000 to the revenues, the Budget would be balanced in 1934. At the opening of the present session of Congress we were cheered by the announcement that a balanced Budget was already in sight and that a balance would be reached in 1939. When the recent December loan was floated we were assured that it was the last of the "new money" loans and that future borrowing would be limited to short-term bills as required by current balances, but newspapers this afternoon carry the statement that these weekly bills must be continued and another loan is scheduled for September.

In the meantime we have been setting an all-time record for peacetime spending. Observers estimate that for 9 months the Government disbursed approximately five and a half billions, as compared with five billion for the same period last year, and that for the current fiscal year expenditures will exceed those of last year. During the month of January disbursements reported by the Secretary of the



Treasury approximated \$635,000,000 as contrasted with about \$372,500,000 the preceding January.

At the same time expected revenues have failed to materialize. Notwithstanding increases in revenue at the rate of nearly \$56,000,000 for the month of January the deficit exceeds that of the previous January by something like \$120,000,000.

Early in the year tax receipts were reported to be \$150,000,000 under the published estimates. A little later they were said to be falling short by about \$300,000,000. In March they were falling \$400,000,000 below. And now we are told they are close to \$600,000,000 short of the amounts promised by Treasury experts, with every prospect of increasing discrepancies. The enactment of legislation now pending in the House and its committees could easily precipitate a total deficit approximating \$3,000,000,000.

Of course, there is the other side. Much of the current expenditures is in the nature of advances which will eventually return to the Treasury. Vast sums are in fact investments in public works and improvements which add to the national wealth and prosperity. Reduced receipts from income taxes are due to delayed partial payments which will be realized before the end of the year. Large sums are accounted for by charges incident to the Social Security Act. The stabilization fund is in effect an offset amounting to \$2,000,000,000. Business is recovering rapidly, and the national income is mounting, and with it the Government income is increasing and has already reached the highest figures since 1929.

But the deficit grows. Inflation is advancing. Government bonds are depreciating and rates of interest are rising. Prices on Government purchases are increasing. The rising cost of living is stimulating labor agitation.

The Budget must be balanced. We can take our choice—larger deficits with increased taxes or economy. There is no alternative.

There is probably not a Member in the House who does not endorse economy in these supply bills and who does not believe that a balanced Budget is imperative. And yet the calendars of the House are crowded with bills authorizing new expenditures, and the committees of the House are importuned in season and out of season to increase appropriations and extend the activities of the Government into new and costly fields. Mr. Speaker, one of the most prescient passages in all the pages of Holy Writ is the record of one who said, "Behold I go"—and went not. When this Congress is judged it will be judged not by the lip service we give economy, not by the protestations of thrift and retrenchment reported in the Record, but by the roll calls on propositions to spend money that is not in the Treasury, and which never will be in the Treasury, unless it is borrowed at a cost so serious as to appall those who look into the future less than a generation away. [Applause.] I trust that during the remainder of the session we may have your cooperation in holding the supply bills within the bounds reported by the committee.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HAINES, on Monday, April 19, 1937, on account of important business.

To Mr. MITCHELL of Illinois, indefinitely, on account of sickness.

#### ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 456. An act for the relief of Ernest and Lottie Dunford; and

H. R. 4985. An act to regulate interstate commerce in bituminous coal, and for other purposes.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1455. An act to authorize certain officers of the United States Navy, officers, enlisted men, and civilian employees of the United States Army and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 77. An act for payment of compensation to persons serving as postmaster at third- and fourth-class post offices;

H. R. 456. An act for the relief of Ernest and Lottie Dunford;

H. R. 1089. An act for the relief of Charles M. Perkins;

H. R. 1870. An act for the relief of Kate Carter Lyons;

H. R. 1871. An act for the relief of John S. Hemrick;

H. R. 1923. An act for the relief of Evangelos Karacostas;

H. R. 2320. An act for the relief of Peter Karampelis;

H. R. 2780. An act for the relief of William Blakeley, or Blakley, as administrator of the estate of Joseph Blakeley, deceased;

H. R. 2936. An act for the relief of E. B. Gray;

H. R. 3701. An act for the relief of the Sterling Bronze Co.; and

H. R. 5551. An act to reserve certain public domain in California for the benefit of the Capitan Grande Band of Mission Indians.

#### ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, at 7 o'clock and 4 minutes p. m., the House, pursuant to its order heretofore entered, adjourned until Monday, April 19, 1937, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON THE POST OFFICE AND POST ROADS

Air-mail hearings will continue at 10:30 a. m., in room 213, House Office Building, on Friday, April 16, 1937.

##### COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Monday, April 19, 1937, at 10:30 a. m., to continue hearings on the Bonneville Dam project, H. R. 4948 and H. R. 6151.

##### COMMITTEE ON THE JUDICIARY

There will be a hearing before the Committee on the Judiciary on Tuesday, April 20, 1937, at 10:30 a. m., in connection with the bill (H. R. 4746) to prohibit interstate transportation of goods, wares, and merchandise in certain cases.

##### COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Tuesday, April 20, 1937, at 10 a. m., in room 328, House Office Building, to consider H. R. 5394, to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes.

##### COMMITTEE ON MILITARY AFFAIRS

There will be a hearing before the Committee on Military Affairs, Tuesday, April 20, 1937, at 10:30 a. m., in room 1310, New House Office Building, for the consideration of H. R. 4415, to amend the act entitled "An act to amend the act entitled 'An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes.'"

##### COMMITTEE ON THE JUDICIARY

There will be a hearing before Subcommittee No. II of the Committee on the Judiciary on Friday, April 23, 1937, at 10:30 a. m., on the following bills: H. R. 4894, to limit the right of removal to Federal courts in suits against



corporations authorized to do business within the State of residence of the plaintiff; and H. R. 4895, to further define the jurisdiction of the district courts in case of suits involving corporations where jurisdiction is based upon diversity of citizenship.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

556. A letter from the United States Great Lakes Exposition Commission, transmitting a financial statement, including a detailed statement of expenditures, together with other reports, concerning the character and extent of Federal participation in the Great Lakes Exposition in Cleveland, Ohio, during the year 1936; to the Committee on Foreign Affairs.

557. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 12, 1937, submitting a report, together with accompanying papers, on a preliminary examination of Blackstone River, from Narragansett Bay at Providence, R. I., to Worcester, Mass., authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

558. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 13, 1937, submitting a report, together with accompanying papers, on a preliminary examination and survey of channel to Point Chugae, Dauphin Island, Ala., and to Old Basin or Indian Mounds, authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

559. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 12, 1937, submitting a report, together with accompanying papers, on a preliminary examination of waterway from Tampa Bay to Fort Pierce Harbor, Fla., via Manatee River, authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DOUGHTON: Committee on Ways and Means. H. R. 6215. A bill to repeal provisions of the income tax requiring lists of compensation paid to officers and employees of corporations; without amendment (Rept. No. 615). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCHULTE: Committee on Immigration and Naturalization. H. R. 6391. A bill to authorize the prompt deportation of criminals and certain other aliens, and for other purposes; without amendment (Rept. No. 618). Referred to the Committee of the Whole House on the state of the Union.

#### CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 5990) granting an increase of pension to Samuel S. Erret, and the same was referred to the Committee on Pensions.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CALDWELL: A bill (H. R. 6435) to provide for the establishment in the Department of Agriculture of an experiment station for the development of tung trees; to the Committee on Agriculture.

By Mr. BLAND: A bill (H. R. 6436) authorizing cash relief for certain employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act; to the Committee on Merchant Marine and Fisheries.

By Mr. EDMISTON: A bill (H. R. 6437) to increase the number of cadets at the United States Military Academy; to the Committee on Military Affairs.

By Mr. McCORMACK: A bill (H. R. 6438) to expedite the dispatch of vessels from certain ports of call; to the Committee on Merchant Marine and Fisheries.

By Mr. CHANDLER: A bill (H. R. 6439) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and to repeal section 76 thereof and all acts and parts of acts inconsistent therewith; to the Committee on the Judiciary.

By Mr. BOYLAN of New York: A bill (H. R. 6440) to provide for the taxation of operators of radio-broadcast stations; to the Committee on Ways and Means.

By Mr. CULLEN: A bill (H. R. 6441) to exempt certain securities from the stamp taxes imposed by section 800 of the Revenue Act of 1926, as amended, and for other purposes; to the Committee on Ways and Means.

By Mr. BOEHNE: A bill (H. R. 6442) to amend the Social Security Act to include employees of organizations for religious, charitable, and like purposes for old-age benefits; to the Committee on Ways and Means.

By Mr. FERNANDEZ: A bill (H. R. 6443) to amend the act (Public, No. 162, 74th Cong.), approved June 24, 1935, entitled "An act to authorize the naturalization of certain resident alien World War veterans"; to the Committee on Immigration and Naturalization.

By Mr. KRAMER: A bill (H. R. 6444) to amend the act of June 30, 1906, entitled "An act creating a United States court for China and prescribing the jurisdiction thereof"; to the Committee on Foreign Affairs.

By Mrs. NORTON: A bill (H. R. 6445) to provide 1 day of rest in 7 for workers employed in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 6446) to prohibit in the District of Columbia the operation of any automatic merchandise vending machine, turnstile, coin-box telephone, or other legal receptacle designed to receive or be operated by lawful coin of the United States of America, or a token provided by the person entitled to the coin contents of such receptacle in connection with the sale, use, or enjoyment of property or service by means of slugs, spurious coins, tricks, or devices not authorized by the person entitled to the coin contents thereof; and to prohibit in the District of Columbia the manufacture, sale, offering for sale, advertising for sale, distribution, or possession for such use of any token, slug, false or counterfeited coin, or any device or substance whatsoever except tokens authorized by the person entitled to the coin contents of such receptacles; and providing a penalty for violation thereof; to the Committee on the District of Columbia.

By Mr. DITTER: A bill (H. R. 6447) to protect the right of secrecy in pending applications for patents; to the Committee on Patents.

By Mr. DOUGHTON: A bill (H. R. 6448) to levy an excise tax upon carriers and certain other employers and an income tax upon their employees, and for other purposes; to the Committee on Ways and Means.

By Mr. HEALEY: A bill (H. R. 6449) to amend the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes"; to the Committee on the Judiciary.

By Mr. HENDRICKS: A bill (H. R. 6450) authorizing a preliminary examination and survey of Kissimmee River Valley and its tributaries, and the watershed thereof, in the State of Florida, for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. PETERSON of Florida: A bill (H. R. 6451) providing for a preliminary examination and survey of the waterway from Stuart to Punta Rasa, Fla.; to the Committee on Rivers and Harbors.

By Mr. LEMKE: A bill (H. R. 6452) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.



By Mr. TOLAN: A bill (H. R. 6453) to increase the minimum salary of deputy United States marshals to \$2,000 per annum; to the Committee on the Judiciary.

By Mr. DITTER: A bill (H. R. 6454) to deny certain Federal aid to counties in which lynchings occur; to the Committee on the Judiciary.

By Mr. MILLS: A bill (H. R. 6455) to create a National Pollution Board in the United States, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. HOFFMAN: A bill (H. R. 6456) to provide for the registration of labor organizations having members engaged in interstate or foreign commerce, and to impose duties upon such labor organizations and the members thereof, and to impose liability for unlawful acts upon such organizations and the members thereof, and for other purposes; to the Committee on Labor.

By Mr. McGRATH: A bill (H. R. 6457) to authorize a preliminary examination and survey of the Pajaro River, Calif., with a view to the control of its floods, and for other purposes; to the Committee on Flood Control.

By Mr. CALDWELL: Resolution (H. Res. 187) requesting information from various Government agencies for a complete and accurate report of the tung-oil situation, and for other purposes; to the Committee on Ways and Means.

By Mr. CRAWFORD: Resolution (H. Res. 188) requesting the Secretary of the Interior to report to the House of Representatives all of the facts within the knowledge of his Department relative to the Palm Sunday massacre in Ponce, P. R.; to the Committee on Insular Affairs.

By Mr. LORD: Joint resolution (H. J. Res. 324) proposing an amendment to the Constitution of the United States empowering Congress and the States to levy taxes upon compensation of Federal and State officers or employees; to the Committee on the Judiciary.

By Mr. MERRITT: Joint resolution (H. J. Res. 325) making an appropriation for certain improvements in the East River, New York City, and on site of New York World's Fair 1939, and for other purposes; to the Committee on Rivers and Harbors.

#### MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of South Dakota, memorializing the President and the Congress of the United States to urge consideration of their Senate Joint Resolution No. 8, relative to a statue of Gen. William Henry Harrison Beadel; to the Committee on the Library.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the President and the Congress of the United States to repeal Public, No. 14, Seventy-fourth Congress; to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN of Pennsylvania: A bill (H. R. 6458) for the relief of Jack Nelson; to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 6459) granting an increase of pension to Sarah M. Beaumont; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 6460) for the relief of Benjamin Elia Benjaminoff; to the Committee on Immigration and Naturalization.

By Mr. BOREN: A bill (H. R. 6461) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claim which William Franklin Bourland of the Chickasaw Nation of Indians may have against the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. DOWELL: A bill (H. R. 6462) granting a pension to Mrs. J. Madison Williams; to the Committee on Invalid Pensions.

By Mr. FITZPATRICK: A bill (H. R. 6463) for the relief of Abraham Drittz; to the Committee on Claims.

By Mr. HALLECK: A bill (H. R. 6464) granting an increase of pension to Rebecca H. Dunkelbarger; to the Committee on Invalid Pensions.

By Mr. HEALEY: A bill (H. R. 6465) for the relief of William Francis McLean; to the Committee on Naval Affairs.

By Mr. HENDRICKS: A bill (H. R. 6466) granting a pension to Lillie Daley; to the Committee on Invalid Pensions.

By Mrs. HONEYMAN: A bill (H. R. 6467) for the relief of the Portland Electric Power Co.; to the Committee on Claims. Also, a bill (H. R. 6468) to authorize the cancellation of deportation proceedings in the case of John Grinwood Taylor; to the Committee on Immigration and Naturalization.

By Mr. McCORMACK: A bill (H. R. 6469) for the relief of Anthony Caramagno; to the Committee on Claims.

By Mr. NICHOLS: A bill (H. R. 6470) for the relief of Roy Chandler; to the Committee on Military Affairs.

Mr. PETERSON of Florida: A bill (H. R. 6471) for the relief of Ralph J. Neikirk; to the Committee on Claims.

Also, a bill (H. R. 6472) for the relief of Sallie E. Perrin; to the Committee on Claims.

Also, a bill (H. R. 6473) for the relief of Paul H. Brinson; to the Committee on Claims.

By Mr. ROBSION of Kentucky: A bill (H. R. 6474) granting a pension to Bettie Dick; to the Committee on Invalid Pensions.

By Mr. SMITH of Maine: A bill (H. R. 6475) granting an increase of pension to Melissa A. Haskell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6476) granting an increase of pension to Harriett Chamberlin; to the Committee on Invalid Pensions.

By Mr. SNYDER of Pennsylvania: A bill (H. R. 6477) granting a pension to Flora Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6478) granting an increase of pension to Emma Duncan; to the Committee on Invalid Pensions.

By Mr. STACK: A bill (H. R. 6479) for the relief of Guy Salisbury, alias John G. Bowman, alias Alva J. Zenner; to the Committee on Military Affairs.

By Mr. WITHROW: A bill (H. R. 6480) to confer citizenship on Kathrina Biermeier; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 6481) to confer citizenship on Andrew Biermeier; to the Committee on Immigration and Naturalization.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1857. By Mr. ARNOLD: Petition of Charlotte Steuart and other prominent citizens of Mount Vernon, Jefferson County, Ill., urging the enactment of the old-age pension bill as embodied in House bill 2257; to the Committee on Ways and Means.

1858. By Mr. BLAND: Petition of 37 citizens of Newport News, Va., objecting to paragraph 6 of section 14 of House bill 3291; to the Committee on the District of Columbia.

1859. By Mr. CARTER: Petition of the Central Labor Council of Alameda County, in Oakland, Calif., by William A. Spooner, its secretary, for the outright repeal of the "red rider"; to the Committee on Appropriations.

1860. By Mr. CURLEY: Resolutions of the Merchants' Association of New York, endorsing House bill 6215, to repeal subsection (d) of section 148 of the Revenue Act of 1936, requiring the filing of lists of compensation paid to officers and employees of corporations; to the Committee on Ways and Means.

1861. By Mr. GOODWIN: Petition of the Monticello Council, No. 63, Junior Order United American Mechanics, Monticello, N. Y., opposing any change in the present judiciary branch of the Government, unless by amendment; to the Committee on the Judiciary.



1862. By Mr. HART: Petition of the Board of Commissioners of the City of Orange, N. J., memorializing the Congress of the United States to enact the United States Housing Act of 1937, being Senate bill 1685 and House bill 5033; to the Committee on Banking and Currency.

1863. By Mr. KINZER: Petition of citizens of Lancaster County, Pa., urging Congress to enact the old-age pension bill as embodied in House bill 2257; to the Committee on Ways and Means.

1864. By Mr. KRAMER: Resolution of the Assembly and the Senate of the State of California, pertaining to amending the Constitution to provide that the electoral college be abolished and the President and Vice President be elected by a direct vote of the people, etc.; to the Committee on Election of President, Vice President, and Representatives in Congress.

1865. By Mr. KVALE: Petition of the conferees attending the annual weed conference of Rock County, Luverne; Big Stone County, Ortonville; Lac qui Parle County, Madison; Nobles County, Worthington; Renville County, Olivia; Pipestone County, Pipestone; Chippewa County, Montevideo; Yellow Medicine County, Clarkfield; Murray County, Slayton; Lyon County, Marshall; and Murray County, Redwood Falls, of the State of Minnesota, endorsing House bill 4009, providing for Federal appropriation of \$50,000,000 for weed control on the basis of \$3 of Federal funds to \$1 of State funds; to the Committee on Agriculture.

1866. By Mr. LORD: Petition of Lydia S. Fagan and 22 residents, of Franklin, N. Y., protesting against the President's bill or any substitutes permitting the executive branch of the Government to control or subordinate the judicial or

the legislative powers established under the Constitution; to the Committee on the Judiciary.

1867. By Mr. McLEAN: Petition of the Lorraine Republican Club, Lorraine, N. J., protesting against the reorganization of the Supreme Court; to the Committee on the Judiciary.

1868. By Mr. MURDOCK of Utah: House Joint Memorial No. 4 of the Utah State Legislature, relating to the proposal in the Congress of the United States to reduce the number of Civilian Conservation Corps camps in the United States from 2,100 to 1,400; to the Committee on Labor.

1869. By Mr. MOTT: Two petitions signed by citizens of the State of Oregon, urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

1870. By Mr. TREADWAY: Resolutions adopted by the General Court of Massachusetts, memorializing Congress in favor of making the National Youth Administration a permanent organization; to the Committee on Education.

1871. By Mr. WIGGLESWORTH: Petition of the Court of Massachusetts, requesting Congress to repeal certain acts prejudicial to the oil-consuming States and to the nonproducing States; to the Committee on Ways and Means.

1872. By the SPEAKER: Petition of the city of Columbus, Ohio, favoring the United States Housing Act of 1937, being Senate bill 1685 and House bill 5033; to the Committee on Banking and Currency.

1873. Also, petition of the Slovak Alliance of Bridgeport and vicinity, favoring the Wagner-Steagall bill; to the committee on Banking and Currency.